

ELEVENTH DAY.

(Friday, June 21, 1929.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and developed the fact that there was not a quorum present.

Mr. Finlay moved a call of the House for the purpose of securing a quorum, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was again called and the following members were present:

Mr. Speaker.	Harrison.
Acker.	Heaton.
Ackerman.	Hefley.
Adkins.	Hines.
Albritton.	Holder.
Anderson.	Hopkins.
Avis.	Hornaday.
Baker.	Hubbard.
Barnett.	Johnson of Smith.
Beck.	Johnson
Bond.	of Dimmit.
Bounds.	Johnson of Scurry.
Bradley.	Justiss.
Brice.	Kayton.
Brooks.	Keeton.
Carpenter.	Keller.
Chastain.	Kennedy.
Coltrin.	Kenyon.
Conway.	Kincaid.
Cox of Navarro.	King.
Cox of Lamar.	Kinnear.
Cox of Limestone.	Land.
Davis.	Lee.
DeWolfe.	Lemens.
Dunlap.	Long of Houston.
Duvall.	Long of Wichita.
Enderby.	Loy.
Ewing.	Mankin.
Eickenroht.	Marks.
Finn.	Martin.
Finlay.	Mauritz.
Forbes.	Maynard.
Gates.	McCombs.
Gerron.	McGill.
Gilbert.	McKean.
Giles.	Mehl.
Graves	Metcalf.
of Williamson.	Minor.
Graves of Erath.	Montgomery.
Hardy.	Moore.
Harding.	Morse.
Harman.	Mosely.
Harper.	Mullally.

Murphy.	Speck.
Negley.	Stephens.
Nicholson.	Stevenson.
Olsen.	Storey.
O'Neill.	Strong.
Palmer.	Tarwater.
Pavlica.	Thompson.
Petsch.	Thurmond.
Pool.	Tillotson.
Pope of Jones.	Turner.
Pope of Nueces.	Van Zandt.
Purl.	Veatch.
Quinn.	Wallace.
Ray.	Walters.
Reader.	Warwick.
Renfro.	Webb.
Richardson.	White.
Rountree.	Wiggs.
Sanders.	Williams
Shaver.	of Hardin.
Shelton.	Williams
Sherrill.	of Travis.
Shipman.	Woodall.
Simmons.	Woodruff.
Sinks.	Young.
Snelgrove.	

Absent.

Baldwin.	Smith.
Fuchs.	Waddell.
Hogg.	Westbrook.
McDonald.	

Absent—Excused.

Bateman.	Reid.
Jenkins.	Rogers.
Jones.	Savage.
Kemble.	Williams
Patterson.	of Sabine.
Prendergast.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Savage for today and tomorrow, on motion of Mr. Webb.

Mr. Duvall for today, on motion of Mr. Finlay.

The following members were granted leaves of absence on account of illness:

Mr. Marks for today, on motion of Mr. Cox of Lamar.

Mr. Reid for today, on motion of Mr. Giles.

Mr. Jones for today, on motion of Mr. Carpenter.

Mr. Williams of Sabine for today and the balance of the week, on motion of Mr. Cox of Lamar.

Mr. Patterson for today and tomorrow, on motion of Mr. Hubbard.

HOUSE BILL ON FIRST READING.

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Mankin:

H. B. No. 194, A bill to be entitled "An Act to amend Articles 941 and 942 of the Penal Code of Texas, 1925, and to amend Chapter 53 of the Acts of the Forty-First Legislature, Regular Session, so as to permit the catching of suckers, buffalo, carp, shad and gar, in Williamson county during the months of June, July and August by the use of a seine of any size mesh, or by the use of wire, rope or grab hooks, and declaring an emergency."

Referred to Committee on Game and Fisheries.

BILL ORDERED NOT PRINTED.

On motion of Mr. Loy, Senate bill No. 49 was ordered not printed.

COMMITTEE OF THE WHOLE
HOUSE.

Mr. Holder moved that the House resolve itself into a Committee of the Whole House at 2 o'clock p. m. today.

On motion of Mr. Albritton, the motion of Mr. Holder was tabled.

The House then, in accordance with action heretofore taken, at 9:20 o'clock a. m. resolved itself into a Committee of the Whole House, Mr. Barron being called to the chair.

(In Committee of the Whole House, Mr. Barron in the chair.)

IN THE HOUSE.

(Mr. Barron in the chair.)

At 9:30 o'clock a. m., Mr. Barron, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress, and ask leave to sit again at 2 o'clock p. m. today.

On motion of Mr. Sherrill, the report was adopted.

CONFERENCE COMMITTEE REPORT
ON HOUSE BILL NO. 5.

Mr. Wallace, Chairman, submitted the

following conference committee report on House bill No. 5:

Committee Room,
Austin, Texas, June 13, 1929.

Hon. Barry Miller, President of the Senate, and Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed by your respective bodies to consider House bill No. 5, have had said bill under consideration, and beg leave to report that we have reached the following agreement:

The House bill provides for increases in the salaries of the clerks, deputy clerks and stenographers of all the Courts of Civil Appeals; this amendment being placed in the bill from the floor of the House on the ground that this Legislature had passed a law authorizing such increases. An investigation disclosed the fact that such increases were to be paid from fees and not out of the general fund; hence, the House committee receded from this amendment. And we agree that the bill shall be amended by inserting on page 12 of this report after the words "fees and charges when collected shall," the words "except as otherwise provided by law."

The House accepted the provisions of the Senate bill providing for the necessary budget for the Supreme Court, effective only and after the constitutional amendment to be voted on July 16, 1929, is adopted and becomes effective.

The other changes are small in amount and will more fully appear by reference to the conference committee report attached hereto and made a part hereof.

Respectfully submitted,
POLLARD,
PATTON,
MILLER,
COUSINS,
CUNNINGHAM.

On the Part of the Senate.
WALLACE,
GRAVES of Erath,
FINN,

On the Part of the House.

A BILL

To Be Entitled

An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State government for the two-year period beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be

necessary, be, and the same are hereby, appropriated out of any money in the State Treasury not otherwise appropriated, to pay the salaries of judges, and for the support and maintenance of the Judicial Department of the State government for the two-year period beginning September 1, 1929, and ending August 31, 1931.

Court of Civil Appeals, First District, Galveston.

	For the Years Ending Aug. 31, 1930	Aug. 31, 1931
Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Books for Library.....	800.00	800.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, contingent expenses..	600.00	600.00
Fuel and lights.....	350.00	350.00
Furniture and typewriters.....	200.00	100.00
Totals	\$ 29,670.00	\$ 29,570.00

Court of Civil Appeals, Second District, Fort Worth.

Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Books for library.....	800.00	800.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, contingent expenses..	650.00	650.00
Repairs and furniture.....	50.00	50.00
Totals	\$ 29,220.00	\$ 29,220.00

Court of Civil Appeals, Third District, Austin.

Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, contingent expenses..	800.00	800.00
Law books for Library.....	400.00	400.00
Filing cases and typewriter.....	400.00
Totals	\$ 29,320.00	\$ 28,920.00

Court of Civil Appeals, Fourth District, San Antonio.

Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, contingent expenses..	750.00	750.00
Books for Library.....	500.00	500.00
Typewriter, furniture and fixtures.....	250.00	100.00
Totals	\$ 29,220.00	\$ 29,070.00

Court of Civil Appeals, Fifth District, Dallas.

	For the Years Ending	
	Aug. 31, 1930	Aug. 31, 1931
Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Books for Library.....	500.00	500.00
Record books and stationery.....	650.00	650.00
Contingent expense	100.00	100.00
Totals	\$ 28,970.00	\$ 28,970.00

Court of Civil Appeals, Sixth District, Texarkana.

Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, contingent expenses..	600.00	600.00
Light and fuel.....	300.00	300.00
Books for Library and subscription.....	500.00	500.00
Typewriter	100.00
Totals	\$ 29,220.00	\$ 29,120.00

Court of Civil Appeals, Seventh District, Amarillo.

Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Books for Library.....	500.00	500.00
Typewriter	100.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, contingent expenses..	600.00	600.00
Totals	\$ 28,920.00	\$ 28,820.00

Court of Civil Appeals, Eighth District, El Paso.

Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Books for Library	500.00	500.00
Typewriters	100.00
Furniture	150.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, and contingent ex- penses	600.00	600.00
Totals	\$ 28,820.00	\$ 29,070.00

Court of Civil Appeals, Ninth District, Beaumont.

Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00

	For the Years Ending	
	Aug. 31, 1930	Aug. 31, 1931
Deputy clerk	\$ 1,500.00	\$ 1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Books for Library	500.00	500.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, laundry and con- tingent expenses	600.00	600.00
Furniture and typewriter.....		100.00
Totals	\$ 28,820.00	\$ 28,920.00

Court of Civil Appeals, Tenth District, Waco.

Salaries of:

Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Books for Library.....	750.00	750.00
Filing cases and furniture.....	200.00	200.00
Typewriters		100.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, contingent expenses..	600.00	600.00
Totals	\$ 29,270.00	\$ 29,370.00

Court of Civil Appeals, Eleventh District, Eastland.

Salaries of:

Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, contingent expenses..	800.00	800.00
Typewriters		100.00
Fuel and lights.....	300.00	300.00
Furniture and fixtures.....	500.00	500.00
Library and upkeep.....	600.00	600.00
Totals	\$ 29,920.00	\$ 30,020.00

Supreme Court.

Salaries of:

Three judges	\$ 24,000.00	\$ 24,000.00
Clerk	2,500.00	2,500.00
Reporter	3,000.00	3,000.00
Law clerks and stenographers.....	5,400.00	5,400.00
Marshal and Assistant Librarian.....	1,500.00	1,500.00
Porter for judges' room	720.00	720.00
Porter for court room, clerk's office and Library...	720.00	720.00
Furniture, record books, stationery, typewriters, postage and express.....	2,000.00	2,000.00
Bookcases for Library.....	750.00	
Purchase of books and rebinding.....	3,000.00	3,000.00
Floor covering for Library and lighting system....	1,200.00	
Deputy clerk, acting secretary to Board of Legal Examiners shall receive \$1,000.00 per annum, payable out of the fees of clerk's office.		

For the Years Ending
Aug. 31, 1930 Aug. 31, 1931

During the next two years the Supreme Court is empowered to authorize the clerk to appoint a stenographer for the clerk's office, at a salary to be fixed by the Court, not to exceed \$150.00 per month, to be paid out of the fees of the clerk's office.

Totals	\$ 44,790.00	\$ 42,840.00
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Supreme Court, Commission of Appeals, Sections A and B.

Salaries of:

Six judges	\$ 42,000.00	\$ 42,000.00
Four stenographers	6,000.00	6,000.00
Porter	720.00	720.00
Record books, rental and purchase of law books, stationery, furniture, telephone, typewriters, postage and contingent expenses.....	1,000.00	1,000.00
Totals	\$ 49,720.00	\$ 49,720.00

In the event of the adoption of the amendment to Sections 2 and 3, of Article V, of the Constitution of the State of Texas, by vote of the qualified electors at the election ordered to be held on the 16th day of July, 1929, the sums above appropriated for the "Commission of Appeals, Sections A and B," shall not be applied or paid as above directed, but said sums shall instead be applied to the payment of the following items, to-wit:

For the Years Ending
Aug. 31, 1930 Aug. 31, 1931

Salaries of six additional judges.....	\$ 48,000.00	\$ 48,000.00
Porter	720.00	720.00
Rental and purchase of law books, stationery, furniture, telephones, typewriters and postage for additional judges	2,000.00	2,000.00
Totals	\$ 50,720.00	\$ 50,720.00

In the event of the adoption of said amendment, the following additional sums of money, or so much thereof as may be necessary, be, and the same are hereby, appropriated out of any money in the State Treasury not otherwise appropriated, to meet expenses of the Supreme Court, which will be due to its increased membership, to-wit:

For the Years Ending
Aug. 31, 1930 Aug. 31, 1931

Six stenographers for six additional judges.....	\$ 9,000.00	\$ 9,000.00
One stenographer for clerk's office.....	1,500.00	1,500.00
Remodeling offices for the six additional judges, and remodeling and refurnishing Supreme Court Chamber, and contingent expenses.....	6,000.00
Totals	\$ 16,500.00	\$ 10,500.00

In the event of the adoption of said amendment, the clerk of the Supreme Court, for performing all duties of clerk of said Court, with its increased membership, shall be allowed, in addition to the \$2500.00 hereinbefore appropriated, the sum of fifteen hundred dollars per annum, to be paid out of the fees of his office, in lieu of the \$1500.00 heretofore allowed him as clerk of the Commission of Appeals under Article 1795, of the Revised Civil Statutes of Texas.

Court of Criminal Appeals, Austin.

	For the Years Ending	
	Aug. 31, 1930	Aug. 31, 1931
Salaries of:		
Three judges	\$ 24,000.00	\$ 24,000.00
Clerk	4,000.00	4,000.00
Bailiff and secretary	2,400.00	2,400.00
Two secretaries	4,800.00	4,800.00
Court reporter	4,000.00	4,000.00
Porter	720.00	720.00
Postage and box rent	250.00	250.00
Law books	500.00	500.00
Record books and stationery	800.00	800.00
Contingent expense	200.00	200.00
Furniture, file cases and pictures of deceased judges	300.00	300.00
Telephones	240.00	240.00
Filing envelopes		500.00
Typewriters		200.00
Totals	\$ 42,210.00	\$ 42,910.00

Commission of Appeals, Court of Criminal Appeals.

Salaries of:		
Two commissioners	\$ 14,000.00	\$ 14,000.00
Two stenographers	3,600.00	3,600.00
Telephones	120.00	120.00
Furniture and contingent	150.00	150.00
Totals	\$ 17,870.00	\$ 17,870.00

State's Attorney Before Court of Criminal Appeals.

Salaries of:		
Attorney	\$ 3,600.00	\$ 3,600.00
Law clerk and stenographer	1,800.00	1,800.00
Law books	200.00	100.00
Telephone, postage and contingent	185.00	185.00
Furniture and bookcases	525.00	100.00
Totals	\$ 6,310.00	\$ 5,785.00

Judiciary, Comptroller's Department.

One hundred and seven district judges	\$ 535,000.00	\$ 535,000.00
Fifty-three district attorneys	26,500.00	26,500.00
Expenses of judges and district attorneys, as allowed by the Thirty-eighth Legislature, payable in quarterly installments	53,100.00	53,100.00
Seven criminal district attorneys	3,500.00	3,500.00
Eight criminal district judges	40,000.00	40,000.00
Expenses of attached witnesses and witness fees allowed witnesses in felony cases, who reside in counties other than the county in which the cause is being tried	325,000.00	325,000.00
Fees of county attorneys, justices of peace, sheriffs and constables in examining trials	130,000.00	130,000.00
Fees and costs of sheriffs, attorneys and clerks in felony cases	700,000.00	700,000.00
Fees, costs and per diem of fifty-three district attorneys	185,500.00	185,500.00
To pay salaries of special judges and expenses of district judges for holding court out of their own counties	15,000.00	15,000.00

	For the Years Ending	
	Aug. 31, 1930	Aug. 31, 1931
To pay special judges of Supreme Court, Courts of Criminal and Civil Appeals, where disqualification of the regular judge exists, and special judges are appointed	\$ 5,000.00	\$ 5,000.00
To pay fees and costs of officials in cases of escheated estates, including cases on which such costs and fees have already accrued and are owing by the State.....	100.00	100.00
For the payment of transcript in cases where the court is required to and does appoint an attorney to represent the defendant in a criminal action, and where the official reporter is required and does furnish the attorney for the defendant (if convicted) with a transcript of his notes, as is provided by law.....	2,500.00	2,500.00
To pay district attorney and two assistants, El Paso District	12,300.00	12,300.00
To pay district attorney, Thirtieth Judicial District, as per House bill No. 98, Acts Regular Session, Fortieth Legislature.....	2,500.00	2,500.00
To pay assistant district attorney, Webb and Lubbock counties	5,000.00	5,000.00
To pay expense of the Advisory Judicial Council created by Act of the Forty-first Legislature, First Called Session, S. B. No. 52, including traveling expense, clerical expense, stamps, stationery, telephone, telegraph, printing reports.	3,000.00	3,000.00
To pay traveling and other necessary expenses of the Judges of the Courts of Civil Appeals in hearing arguments outside of their respective districts in cases transferred from one Court of Civil Appeals to another under order of the Supreme Court.....	2,000.00	2,000.00
To pay salary of district attorney of the Eighth Judicial District, as per House bill No. 708, Regular Session of the Forty-first Legislature of Texas	4,000.00	4,000.00
Totals	\$2,050,500.00	\$2,050,500.00

Provided, that the amounts herein appropriated for each item as herein stated, and no more, shall be paid out of the general revenue for the judiciary during the fiscal years beginning September 1, 1929, and ending August 31, 1931, and no surplus shall be diverted from one account to another.

Provided, that all accounts under this section, which require the approval of any district judge, shall be examined by the Comptroller, and, if correct, he shall issue his warrant therefor, but if he shall find same incorrect, in whole or in part, he may cause an audit of same to be made before warrant is issued.

Provided, that the Governor, in case of an extraordinary emergency, may authorize a deficiency for such purpose or purposes which could not have been anticipated or provided for by the Legislature. All moneys appropriated by this Act shall remain in the State Treasury and be paid out only as it is expended, or as the necessity or emergency may require.

Provided, that it shall be the duty of the clerks of the various courts above mentioned, on the first Monday in July, October, January and April of each year, to make a report to the Comptroller, showing the amount of fees collected each quarter, giving the number of cases, but not necessarily the style of case, together with the fees from other sources, stating in each instance the source.

Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys, and all others, for all unofficial and certified copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employes to book

companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge; and all of said fees and charges when collected, shall, except as otherwise provided by law, be paid into the Treasury of the State of Texas. Provided, that each and every employe under this Act shall be paid by voucher, issued in his or her name; said voucher shall state the amount of salary or sum due, and for what services performed, with the date and time of such service, and no money or moneys shall be paid except upon presentation of said voucher or vouchers indorsed by the payee.

Sec. 2. The fact that the above and foregoing is one of the regular appropriation bills for the support of the State Government for the two fiscal years beginning September 1, 1929, and ending August 31, 1931, creates a necessity for the expediting of the passage of this appropriation bill, and therefore, creates an emergency and an imperative public necessity which demands that the rule requiring bills to be read on three several days be suspended, and that this bill become effective from and after its passage, and it is so enacted.

Recapitulation.

	For the Years Ending	
	Aug. 31, 1930	Aug. 31, 1931
Court of Civil Appeals, First District, Galveston..\$	29,670.00	\$ 29,570.00
Court of Civil Appeals, Second District, Ft. Worth	29,220.00	29,220.00
Court of Civil Appeals, Third District, Austin....	29,320.00	28,920.00
Court of Civil Appeals, Fourth District, San Antonio	29,220.00	29,070.00
Court of Civil Appeals, Fifth District, Dallas....	28,970.00	28,970.00
Court of Civil Appeals, Sixth District, Texarkana	29,220.00	29,120.00
Court of Civil Appeals, Seventh District, Amarillo	28,920.00	28,820.00
Court of Civil Appeals, Eighth District, El Paso..	28,820.00	29,070.00
Court of Civil Appeals, Ninth District, Beaumont	28,820.00	28,920.00
Court of Civil Appeals, Tenth District, Waco.....	29,270.00	29,370.00
Court of Civil Appeals, Eleventh District, Eastland	29,920.00	30,020.00
Supreme Court	44,790.00	42,840.00
Commission of Appeals, Sections A and B.....	49,720.00	49,720.00
Court of Criminal Appeals.....	42,210.00	42,910.00
Commission of Appeals, Court of Criminal Appeals	17,870.00	17,870.00
State's Attorney before Court of Criminal Appeals	6,310.00	5,785.00
Judiciary, Comptroller's Department.....	2,050,500.00	2,050,500.00
Grand totals	\$2,532,270.00	\$2,530,195.00
For biennium		\$5,062,465.00

(Note.—In case constitutional amendment to be voted on July 16, 1929, becomes effective, the totals for 1930 will be increased \$17,500.00 and \$11,500.00 for 1931, to take care of the increased membership of the Supreme Court.)

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 1.

Messrs. Wallace, McGill, Woodall, Murphy and Holder.

The Speaker announced the appointment of the following conference committee on House bill No. 1:

Messrs. Snelgrove, Young, Graves of Erath, McCombs and Long of Houston.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 2.

The Speaker announced the appointment of the following conference committee on House bill No. 2:

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 89, "An Act to amend Chapter 105 of the Local and Special Laws passed in the Regular Session of the Thirty-ninth Legislature, which act amended the then existing special road

law of San Jacinto county, Texas, making provision for the refunding of indebtedness incurred by said bill for road and bridge purposes; repealing all laws and parts of law in conflict herewith, and declaring an emergency."

H. B. No. 113, "An Act to amend Section 4 of Chapter 31 of the General and Special Laws of the State of Texas, passed by the Fortieth Legislature at its First Called Session, the same being a special road law for Robertson county; said Section 4 authorizing the commissioners court to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and levy a tax in payment thereof, and declaring an emergency."

H. B. No. 138, "An Act fixing the fees and salary of the official shorthand reporters of the county courts at law in any county having a population of not less than 202,000 and not more than 203,000, according to the latest Federal census, and providing the manner of its payment, and declaring an emergency."

H. B. No. 112, "An Act making an appropriation for the benefit of Slocum Consolidated School District No. 5 of Anderson county on account of the recent destruction of the school buildings and property in the territory now composing said district; directing the expenditure of said money, and declaring an emergency."

HOUSE BILL NO. 6 ON SECOND READING.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 6, A bill to be entitled "An Act imposing an excise tax on motor fuels as defined herein, including all fuels ordinarily, practically and commercially usable in internal combustion engines for the generation of power, sold, distributed or used in this State by distributors, as defined, with certain exceptions, including crude oil, fuel oil and kerosene, and exempting motor fuels distributed or sold to and used by the United States government, requiring distributors to file applications and obtain permits before engaging in the use, sale and distribution of motor fuels as distributors, and the time and manner of procuring the same, etc., and declaring an emergency."

The bill having heretofore been read second time, with amendment by Mr. Montgomery, pending.

(Pending consideration of the amendment, Mr. DeWolfe occupied the chair temporarily.)

(Speaker in the chair.)

Question recurring on the amendment by Mr. Montgomery, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—56.

Acker.	Minor.
Ackerman.	Montgomery.
Albritton.	Moore.
Baker.	Morse.
Barnett.	Mosely.
Beck.	Mullally.
Bounds.	Murphy.
Chastain.	Negley.
Davis.	Nicholson.
Dunlap.	Palmer.
Forbes.	Pavlica.
Gates.	Pool.
Graves	Purl.
of Williamson.	Reader.
Hardy.	Richardson.
Hefley.	Sanders.
Hines.	Shaver.
Holder.	Shelton.
Hopkins.	Simmons.
Hornaday.	Sinks.
Hubbard.	Snelgrove.
Johnson of Smith.	Stevenson.
Johnson of Scurry.	Storey.
Justiss.	Thurmond.
Kayton.	Turner.
Keller.	Van Zandt.
Kennedy.	Wallace.
Kenyon.	Warwick.
Kinnear.	White.
Long of Houston.	Williams
Mankin.	of Travis.
Marks.	Woodall.
Martin.	Woodruff.
Maynard.	Young.
Mehl.	

Nays—51.

Adkins.	Gerron.
Avis.	Giles.
Bond.	Graves of Erath.
Brice.	Harding.
Brooks.	Harman.
Carpenter.	Harrison.
Coltrin.	Heaton.
Conway.	Johnson
Cox of Navarro.	of Dimmit.
Cox of Lamar.	Keeton.
Cox of Limestone.	Kincaid.
DeWolfe.	King.
Duvall.	Land.
Enderby.	Lee.
Ewing.	Lemens.
Eickenroht.	Mauritz.
Finlay.	McGill.

McKean.	Sherrill.
Metcalfe.	Shipman.
Olsen.	Stephens.
Petsch.	Strong.
Pope of Jones.	Tarwater.
Quinn.	Tillotson.
Ray.	Veatch.
Renfro.	Walters.
Rountree.	Webb.

Present—Not Voting.

Anderson.	Long of Wichita.
Harper.	

Absent.

Baldwin.	O'Neill.
Bateman.	Pope of Nueces.
Bradley.	Smith.
Finn.	Speck.
Fuchs.	Thompson.
Gilbert.	Waddell.
Hogg.	Westbrook.
Loy.	Wiggs.
McCombs.	Williams
McDonald.	of Hardin.

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

Paired.

Mr. Harper (present), who would vote "nay," with Mr. Baldwin (absent), who would vote "yea."

Mr. Long of Wichita (present), who would vote "nay," with Mr. Thompson (absent), who would vote "yea."

Mr. Wiggs (present), who would vote "nay," with Mr. Fuchs (absent), who would vote "yea."

Mr. Hardy moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 49 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 124, A bill to be entitled "An Act providing for a commission to be known as the Texas Prison Centralization Commission, to be composed of five members of the House of Representatives to be appointed by the Speaker, three members of the Senate of Texas, to be appointed by the Lieu-

tenant Governor, and one person who shall act as chairman to be appointed by the Governor; which commission shall make recommendations to the Legislature regarding the possible concentration or relocation of the Prison System of Texas; and defining the powers and duties of said Commission; and providing for the publication of the findings and recommendations of the said Commission; and appropriating the sum of twenty-five thousand dollars (\$25,000) for the expenses of said Commission, and for the expenses of and compensation of its employees, and declaring an emergency."

Mr. Young asked unanimous consent of the House to take up and consider at this time, instead of House bill No. 124, Senate bill No. 49.

There was no objection offered.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 49, A bill to be entitled "An Act providing for the Board of Prison Commissioners to make recommendation to the Legislature of this State regarding the possible concentration and relocation of the prison system of Texas, and defining the personnel, powers and duties of said Prison Commissioners, and providing for the publication of the findings and recommendations of said Prison Commissioners, and appropriating the sum of \$25,000 for the expenses of said Prison Commissioners and for the expenses and compensation of its employees, and declaring an emergency."

The bill was read second time.

Mr. Young offered the following amendment to the bill:

Amend Senate bill No. 49 by striking out all above and below the enacting clause and insert in lieu thereof the following:

"An Act providing for a commission to be known as the Texas Centralization Commission, to be composed of five members of the House of Representatives to be appointed by the Speaker, three members of the Senate of Texas to be appointed by the Lieutenant Governor, and one person who shall act as chairman to be appointed by the Governor, which commission shall make recommendations to the Legislature regarding the possible concentration or relocation of the prison system of Texas; and defining the powers and duties of said commission; and providing for the publication of the findings and recommendations of said commission; and appropriating the sum

of twenty-five thousand dollars (\$25,000) for the expenses of said commission, and for the expenses and compensation of its employes, and declaring an emergency."

Section 1. That to carry out the intention of this act there shall be, and there is hereby, created the Texas Prison Centralization Commission, five members of which shall be appointed from the House of Representatives by the Speaker of the House, three members of which shall be appointed from the Senate by the Lieutenant Governor, and one person to act as chairman who shall be appointed by the Governor; and said Commission is created for the investigation of all matters pertaining to the centralization and relocation of the penitentiary system of this State and the rehabilitation thereof, in compliance with the terms of this act. That said Commission shall meet upon call of the chairman and shall at all times be subject to such call.

Sec. 2. That said Commission be, and it is hereby, authorized and directed to submit to the Legislature of this State a plan or plans for the location and centralization of the prison system of this State. That in the investigation and preparation of such plan or plans said Commission may call upon and receive all services deemed advisable by it from the State Board of Water Engineers, the General Land Office, the Railroad Commission, the Department of Health, the Reclamation Department, the University of Texas, the Agricultural and Mechanical College of Texas and all other officers and employes of the departments of State government and may engage the services of engineers, prison architects and executives, auditors, appraisers and other experts as it may deem necessary or advisable.

Sec. 3. That it is the intention of this act that the Commission ascertain, first, the type of prison system best suited to the requirements of this State and the equipment and facilities therefor, and shall then recommend to the Legislature the most feasible and advantageous location or locations for such system, and that the report of said Committee shall further contain all other information, findings and recommendations relative to the prison system which said Committee shall deem of value to the Legislature.

Sec. 4. That said report shall contain a detailed and itemized estimate of the costs of the complete system or systems recommended and an analysis of the estimated costs of operation, and

the estimated returns, and said estimate shall be so prepared as to reflect and demonstrate the economic advantage, if any, of the system recommended as compared with the prison system as now located, constituted and operated.

Sec. 5. That said Commission shall first carefully consider the feasibility and advisability of concentrating the prison system of this State upon lands now owned by the State of Texas and used in the operation of the present penitentiary system. That said Commission shall supply accurate data as to each tract of land so owned being considered as a possible site for the prison system, including the cost of any and all reclamation, drainage, terracing and other operation necessary in order to render said tracts of land available for the establishment thereon of the prison system contemplated herein. That included in such data there shall be information as to railroad and transportation facilities and rates, and of conditions affecting sanitation and health of those living thereon.

Sec. 6. That said report shall include a detailed and itemized inventory of the lands, buildings, equipments and other property (not including current food or other supplies) now owned by the State prison system, which shall show the value of all property and an estimate of the probable price which said property will bring upon the market, and shall further contain an estimate as to the availability of any of such property for use by the prison system recommended in said report, and shall further make recommendation as to the method and advisability of the use or disposal of all such property. That the estimates, appraisals and findings of experts upon which said recommendations as to the use or disposal of such property may be based shall be signed by the appraisers or other experts engaged by the Commission and attached to said report as exhibits.

Sec. 7. That said Commission shall proceed to carry out its duties of investigation and relocation with all practicable speed and shall compile its complete report for submission to the Forty-second Legislature or any special session convened prior to that time, and that said report shall be completed, printed and available not later than January 1, 1930. That of this report as many copies shall be printed as the Commission may deem advisable; provided, that at least one complete copy shall be furnished to each member of the

Legislature, and that said report as furnished to the members of the Legislature shall contain such statements, maps, plats, drawings and other data as may be deemed of value to the Legislature in judging the proposals and recommendations of said Commission.

Sec. 8. That the sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, be, and it is hereby, appropriated out of any moneys in the State Treasury not otherwise appropriated to cover the cost of conducting the investigation contemplated by this act, and the preparation and publication of the report of the Commission. That said Commission shall be entitled to all necessary expenses incurred in carrying out the provisions of this act, and shall pay to all persons employed by said Commission proper salaries, fees and expenses. That all salaries, fees and expenses under this act shall be paid upon sworn accounts, countersigned by the chairman or the secretary of this Commission, upon which sworn account the Comptroller of Public Accounts shall draw his warrant, which shall be paid by the Treasurer of the State of Texas.

Sec. 9. The fact that the urgent and vital necessity of establishing in this State a modern, efficient and adequate prison system is apparent to all, and that it is imperative in the creation of such a system by the Legislature to have before each legislator detailed and accurate data and information which can be secured only by the passage of an act of this nature, and that it will be necessary for such a Commission to begin its labors at the earliest possible date, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read upon three several days in each house, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Mr. Young offered the following (committee) amendment to the amendment:

Section 1 shall be amended to hereinafter read as follows:

Section 1. That to carry out the intention of this act, the Board of Prison Commissioners of the State of Texas, together with four members of the Senate selected by the Lieutenant-Governor, and five members of the House selected by the Speaker of the House, shall hereinafter be known as the Texas Prison Centralization Commission, and said

Prison Commission shall formulate its own rules and regulations and shall select its own Chairman and shall be authorized and directed to make a complete investigation of all matters pertaining to the concentration and relocation of the Penitentiary System of this State and the rehabilitation thereof, in compliance with the terms of this act; it being expressly understood that said Texas Prison Centralization Commission shall have no power to make any location for the construction or relocation of the prison system or to make any contract for any land for such purpose or otherwise bind the State or the Prison System for the purchase or sale of any land. That said Texas Prison Centralization Commission shall meet within ten days after this act becomes effective, for the purpose of considering and developing plans to be submitted to the Governor and the Legislature, as hereinafter provided.

Signed—Young, Turner, Loy, King, Graves of Williamson.

(Speaker in the chair.)

Mr. Nicholson moved the previous question on the pending amendments and the bill, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The main question was ordered by the following vote:

Yeas—74.

Ackerman.	Johnson
Anderson.	of Dimmit.
Avis.	Johnson of Smith.
Baker.	Justiss.
Bradley.	Keller.
Brice.	Kenyon.
Brooks.	King.
Carpenter.	Kinnear.
Chastain.	Land.
Conway.	Lee.
Cox of Navarro.	Lemens.
Cox of Limestone.	Long of Houston.
Davis.	Loy.
DeWolfe.	Mankin.
Enderby.	Martin.
Ewing.	Mauritz.
Forbes.	McCombs.
Gates.	McKean.
Gilbert.	Mehl.
Giles.	Metcalf.
Hardy.	Minor.
Harper.	Montgomery.
Harrison.	Moore.
Hefley.	Mosely.
Holder.	Mullally.
Hubbard.	Murphy.

Negley.	Snelgrove.
Nicholson.	Speck.
Palmer.	Storey.
Pavlica.	Thurmond.
Petsch.	Tillotson.
Pool.	Turner.
Quinn.	Van Zandt.
Reader.	Veatch.
Richardson.	Warwick.
Shelton.	Webb.
Sherrill.	Williams
Shipman.	of Travis.
Simmons.	Woodruff.

Nays—29.

Adkins.	Harman.
Albritton.	Heaton.
Beck.	Johnson of Scurry.
Bond.	Kennedy.
Bounds.	Kincaid.
Coltrin.	McGill.
Cox of Lamar.	Olsen.
Dunlap.	Ray.
Duvall.	Renfro.
Eickenroht.	Stevenson.
Finn.	Tarwater.
Finlay.	Walters.
Gerron.	White.
Graves	Woodall.
of Williamson.	Young.
Graves of Erath.	

Absent.

Acker.	Pope of Jones.
Baldwin.	Pope of Nueces.
Barnett.	Purl.
Bateman.	Rountree.
Fuchs.	Sanders.
Harding.	Shaver.
Hines.	Sinks.
Hogg.	Smith.
Hopkins.	Stephens.
Hornaday.	Strong.
Kayton.	Thompson.
Keeton.	Waddell.
Long of Wichita.	Wallace.
Marks.	Westbrook.
Maynard.	Wiggs.
McDonald.	Williams
Morse.	of Hardin.
O'Neill.	

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

Mr. Adkins moved to reconsider the vote by which the previous question was ordered.

The motion to reconsider was lost by the following vote:

Yeas—34.

Adkins.	Kennedy.
Albritton.	Kincaid.
Barnett.	Long of Wichita.
Beck.	Marks.
Coltrin.	McGill.
Dunlap.	Minor.
Duvall.	Negley.
Ewing.	Pope of Jones.
Finn.	Purl.
Finlay.	Ray.
Gerron.	Renfro.
Graves	Rountree.
of Williamson.	Stevenson.
Graves of Erath.	Tarwater.
Harman.	Thurmond.
Heaton.	Walters.
Hefley.	Woodall.
Keller.	Young.

Nays—69.

Ackerman.	Martin.
Avis.	Mauritz.
Baker.	Mehl.
Bounds.	Metcalfe.
Bradley.	Montgomery.
Brice.	Moore.
Brooks.	Morse.
Carpenter.	Mosely.
Chastain.	Mullally.
Conway.	Murphy.
Cox of Navarro.	Nicholson.
Cox of Limestone.	Olsen.
Davis.	Palmer.
DeWolfe.	Pavlica.
Eickenroht.	Petsch.
Forbes.	Pool.
Gates.	Quinn.
Gilbert.	Reader.
Giles.	Sanders.
Hardy.	Shelton.
Harper.	Sherrill.
Harrison.	Shipman.
Holder.	Sinks.
Hubbard.	Snelgrove.
Johnson	Speck.
of Dimmit.	Stephens.
Johnson of Smith.	Storey.
Johnson of Scurry.	Tillotson.
Justiss.	Turner.
Kenyon.	Van Zandt.
King.	Veatch.
Kinnear.	Wallace.
Land.	Warwick.
Lee.	Webb.
Lemens.	Williams
Long of Houston.	of Travis.
Loy.	Woodruff.

Absent.

Acker.	Cox of Lamar.
Anderson.	Enderby.
Baldwin.	Fuchs.
Bateman.	Harding.
Bond.	Hines.

Hogg.	Richardson.
Hopkins.	Shaver.
Hornaday.	Simmons.
Kayton.	Smith.
Keeton.	Strong.
Mankin.	Thompson.
Maynard.	Waddell.
McCombs.	Westbrook.
McDonald.	White.
McKean.	Wiggs.
O'Neill.	Williams
Pope of Nueces.	of Hardin.

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

Question then recurring on the committee amendment, it was adopted.

Question then recurring on the amendment, as amended, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—88.

Mr. Speaker.	Kenyon.
Adkins.	King.
Albritton.	Kinnear.
Avis.	Lee.
Baker.	Lemens.
Bounds.	Long of Houston.
Bradley.	Long of Wichita.
Brice.	Loy.
Brooks.	Mankin.
Chastain.	Marks.
Coltrin.	Martin.
Conway.	Mauritz.
Cox of Navarro.	Maynard.
Cox of Limestone.	McKean.
DeWolfe.	Mehl.
Dunlap.	Metcalf.
Duvall.	Minor.
Enderby.	Montgomery.
Ewing.	Mullally.
Finn.	Murphy.
Finlay.	Negley.
Gerron.	Olsen.
Gilbert.	Palmer.
Giles.	Pavlica.
Graves	Pool.
of Williamson.	Pope of Jones.
Graves of Erath.	Pope of Nueces.
Hardy.	Ray.
Harman.	Reader.
Harper.	Renfro.
Harrison.	Rountree.
Heaton.	Sanders.
Hornaday.	Sherrill.
Hubbard.	Shipman.
Justiss.	Simmons.
Kennedy.	Sinks.

Snelgrove.	Wallace.
Stephens.	Walters.
Stevenson.	Warwick.
Storey.	Webb.
Tarwater.	Williams
Thurmond.	of Travis.
Tillotson.	Woodall.
Turner.	Woodruff.
Van Zandt.	Young.
Veatch.	

Nays—16.

Beck.	Kincaid.
Davis.	McCombs.
Forbes.	McGill.
Holder.	Morse.
Hopkins.	Nicholson.
Johnson	Petsch.
of Dimmit.	Purl.
Johnson of Scurry.	Shelton.
Keller.	

Absent.

Acker.	Land.
Ackerman.	McDonald.
Anderson.	Moore.
Baldwin.	Mosely.
Barnett.	O'Neill.
Bateman.	Quinn.
Bond.	Richardson.
Carpenter.	Shaver.
Cox of Lamar.	Smith.
Eickenroht.	Speck.
Fuchs.	Strong.
Gates.	Thompson.
Harding.	Waddell.
Hefley.	Westbrook.
Hines.	White.
Hogg.	Wiggs.
Johnson of Smith.	Williams
Kayton.	of Hardin.
Keeton.	

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

Mr. Young (by unanimous consent) offered the following amendment to the bill:

Amend caption to Senate bill No. 49 by striking out in line 9, beginning with words "to be," all following this down to and including word "Governor," in line 13.

The amendment was adopted.

Senate bill No. 49 was then passed to third reading.

SENATE BILL NO. 49 ON THIRD READING.

Mr. Hardy moved that the constitutional rule requiring bills to be read

on three several days be suspended and that Senate bill No. 49 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—98.

Mr. Speaker.	Martin.
Ackerman.	Mauritz.
Adkins.	Maynard.
Albritton.	McGill.
Avis.	McKean.
Baker.	Mehl.
Beck.	Metcalf.
Bradley.	Minor.
Brice.	Montgomery.
Brooks.	Moore.
Chastain.	Morse.
Coltrin.	Mullally.
Conway.	Murphy.
Cox of Navarro.	Nicholson.
Cox of Lamar.	Olsen.
DeWolfe.	Palmer.
Dunlap.	Pavlica.
Duvall.	Pool.
Enderby.	Pope of Jones.
Ewing.	Pope of Nueces.
Finn.	Ray.
Forbes.	Reader.
Gerron.	Renfro.
Gilbert.	Rountree.
Giles.	Sanders.
Graves	Shaver.
of Williamson.	Shelton.
Graves of Erath.	Sherrill.
Hardy.	Shipman.
Harman.	Simmons.
Harper.	Sinks.
Harrison.	Snelgrove.
Heaton.	Stephens.
Holder.	Stevenson.
Hopkins.	Storey.
Hornaday.	Tarwater.
Hubbard.	Thurmond.
Johnson	Tillotson.
of Dimmit.	Turner.
Justiss.	Van Zandt.
Kennedy.	Veatch.
Kincaid.	Wallace.
King.	Walters.
Kinnear.	Warwick.
Lee.	Webb.
Lemens.	White.
Long of Houston.	Williams
Long of Wichita.	of Travis.
Loy.	Woodall.
Mankin.	Woodruff.
Marks.	Young.

Nays—6.

Bounds.	Kenyon.
Finlay.	McCombs.
Johnson of Scurry.	Purl.

Absent.

Acker.	Anderson.
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Baldwin.	Land.
Barnett.	McDonald.
Bateman.	Mosely.
Bond.	Negley.
Carpenter.	O'Neill.
Cox of Limestone.	Petsch.
Davis.	Quinn.
Eickenroht.	Richardson.
Fuchs.	Smith.
Gates.	Speck.
Harding.	Strong.
Hefley.	Thompson.
Hines.	Waddell.
Hogg.	Westbrook.
Johnson of Smith.	Wiggs.
Kayton.	Williams
Keeton.	of Hardin.
Keller.	

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

The Speaker then laid Senate bill No. 49 before the House on its third reading and final passage.

The bill was read third time.

Question—Shall the bill be passed?

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, June 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 81, A bill to be entitled "An Act to fix the compensation of county commissioners in every county having a population of more than 12,250 and less than 12,350, according to the latest United States census; regulating the payment of same, and declaring an emergency," with amendment.

H. B. No. 103, A bill to be entitled "An Act to levy and collect annually a five-dollar road tax against all able-bodied male citizens of Burleson county who are subject to road work under the general laws of this State who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collecting of said tax, and providing further for a penalty for failure or refusal to pay such tax; repealing all laws in conflict therewith, and declaring an emergency."

S. B. No. 209, A bill to be entitled "An Act making an emergency appropriation out of the sand, shell and gravel fund of this State to pay certain

refunds of the tax collected by the Game, Fish and Oyster Commissioner on sand, shell and gravel used by counties, cities and State Highway Commission for construction of roads and streets, etc., and declaring an emergency."

S. B. No. 111, A bill to be entitled "An Act defining building and loan associations, providing for their incorporation, and prescribing the terms, conditions and regulations upon which such companies may carry on their business in Texas, etc., and declaring an emergency."

S. B. No. 116, A bill to be entitled "An Act to amend Sections 27 and 28 of House bill No. 104, passed at the First Called Session of the Forty-first Legislature, providing that the Board of Barber Examiners shall select a president and secretary, etc., and declaring an emergency."

S. B. No. 131, A bill to be entitled "An Act making provision for advancements out of the general revenue fund under certain circumstances and repayment of same; making an appropriation to supplement the pension fund, and declaring an emergency."

S. B. No. 159, A bill to be entitled "An Act fixing the compensation of deputies and assistants of certain district and county officers in counties having a population of over 36,500 inhabitants containing no city with a population of 25,000 inhabitants, and having property of an assessed valuation exceeding \$30,000,000, as shown by the tax rolls for the last preceding year, and declaring an emergency."

S. B. No. 170, A bill to be entitled "An Act creating a more efficient road system for Franklin county, Texas."

S. B. No. 130, A bill to be entitled "An Act making appropriations out of the State highway fund to pay claims of certain persons, firms and corporations for money erroneously paid to the State highway fund for license fees on seating capacity of motor vehicles as provided by Article 820 of the Penal Code of Texas, etc., and declaring an emergency," with engrossed rider.

S. B. No. 10, A bill to be entitled "An Act to provide that the Highway Department may issue a permit upon the application of any person, firm or corporation to operate over a State highway super-heavy or over-size equipment for the transportation of such commodities as cannot be reasonably dismantled, where the gross weight or size exceeds the limits allowed by law; providing for the form of an application

for a permit; providing for the filing of a bond for damages that might occur to the highway; providing for a fee to be filed with each bond; providing for venue for suits on such bonds, and providing a form of permit, and declaring an emergency."

S. B. No. 36, A bill to be entitled "An Act amending Section 1, of Chapter 218, of the General and Special Laws of the Regular Session of the Fortieth Legislature, so as to permit blue uniforms in addition to dark-gray to be worn by officers making arrests for violations of the laws of this State relating to the speed of motor vehicles, and declaring an emergency."

S. B. No. 92, A bill to be entitled "An Act to exempt male persons residing in Fayette county, Texas, from road duty by paying to the county tax collector of said county the sum of five dollars annually, and declaring an emergency."

S. B. No. 103, A bill to be entitled "An Act fixing the salary of the court reporters in each judicial district in this State containing four or more counties having a combined population, according to the latest United States census, of not less than 104,100 and not more than 104,200, etc., and declaring an emergency."

S. B. No. 104, A bill to be entitled "An Act fixing the salary of five or more counties having a combined population, according to the latest United States census, of not less than 98,700 and not more than 98,800, etc., and declaring an emergency."

S. B. No. 122, A bill to be entitled "An Act authorizing independent school districts in certain classes of counties to dispose of real property not needed for school property, and declaring an emergency."

S. B. No. 126, A bill to be entitled "An Act providing that in all counties where the county attorney performs the duties of the county attorney and district attorney, the county attorney may appoint one or more assistants, who need not possess the qualifications provided for county attorneys, etc., and declaring an emergency."

S. B. No. 128, A bill to be entitled "An Act validating, ratifying and approving the acts and proceedings of the county board of school trustees relating to annexation of territory to certain independent school districts, and declaring an emergency."

S. B. No. 129, A bill to be entitled "An Act authorizing any water improvement district to create emergency loans and issue interim bonds for the purposes, etc., and declaring an emergency."

S. B. No. 173, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to purchase, acquire and construct permanent improvements, including dormitories, stadiums, and athletic fields, and for the improvement of such structures heretofore erected, providing for the equipment and furnishing of the same, providing for the issuance and registration of revenue bonds and revenue notes, etc., and declaring an emergency."

S. B. No. 137, A bill to be entitled "An Act fixing the salary of the official court reporter in every judicial district of this State composed of two counties having a combined population of not less than 60,300 and not more than 60,400, according to the latest U. S. Census; providing for the payment of said salary, and declaring an emergency."

S. B. No. 150, A bill to be entitled "An Act to provide for the collection of delinquent taxes in independent school districts where the local ad valorem tax is assessed and collected locally by or under the direction of the trustees of such district, and to repeal all laws and parts of laws in conflict herewith."

S. B. No. 152, A bill to be entitled "An Act to provide that tax collectors shall, in counties having 210,000 population or more, according to the census of 1920, and cities, political subdivisions or tax assessing districts within such counties, shall collect taxes in chronological order in which they were assessed, etc., and declaring an emergency."

S. B. No. 154, A bill to be entitled "An Act to amend Article 941a, of the Penal Code of Texas, 1925, and to amend Chapter 53, of the Acts of the 41st Legislature, Regular Session, so as to permit the catching of suckers, buffalo, carp, shad and gar in Williamson county during the months of June, July and August, by the use of a seine of any size mesh, or by the use of wire, rope or grab hook, and declaring an emergency."

S. B. No. 155, A bill to be entitled "An Act fixing the salary of the county superintendent of public instruction in a certain class of counties classified according to population, said salary to be paid in the same manner and out of the same funds as provided for county super-

intendent under the laws of this State; and declaring an emergency."

S. B. No. 87, A bill to be entitled "An Act relating to the State Board of Education; providing for the appointment of the members of said Board, etc., and declaring an emergency."

S. B. No. 151, A bill to be entitled "An Act providing better provisions for the State contracts for printing the laws and resolutions of the Legislature; and declaring an emergency."

The Senate has granted the request of the House for the appointment of a free conference committee on the educational bill, being House bill No. 2. The following are appointed as conferees on part of the Senate:

Senators Pollard, Parrish, Gainer, Russek and Thomason.

The Senate grants the request of the House for the appointment of a free conference committee on the rural aid bill, being House bill No. 1. The following are appointed as conferees on part of the Senate:

Senators Pollard, Neal, Greer, DeBerry and Williamson.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 109, to the Committee on Appropriations.

Senate bill No. 111, to the Committee on Insurance.

Senate bill No. 116, to the Committee on Public Health.

Senate bill No. 131, to the Committee on Appropriations.

Senate bill No. 103, to the Committee on Judicial Districts.

Senate bill No. 104, to the Committee on Judicial Districts.

Senate bill No. 10 to the Committee on Highways and Motor Traffic.

Senate bill No. 36, to the Committee on Highways and Motor Traffic.

Senate bill No. 92, to the Committee on Revenue and Taxation.

Senate bill No. 122, to the Committee on Judicial Districts.

Senate bill No. 126, to the Committee on State Affairs.

Senate bill No. 128, to the Committee on School Districts.

Senate bill No. 129, to the Committee on Conservation and Reclamation.

Senate bill No. 130, to the Committee on Appropriations.

Senate bill No. 137, to the Committee on Judicial Districts.

Senate bill No. 150, to the Committee on School Districts.

Senate bill No. 152, to the Committee on Revenue and Taxation.

Senate bill No. 154, to the Committee on Game and Fisheries.

Senate bill No. 155, to the Committee on Education.

Senate bill No. 159, to the Committee on Counties.

Senate bill No. 170, to the Committee on Highways and Motor Traffic.

Senate bill No. 173, to the Committee on Education.

Senate bill No. 151, to the Committee on Public Printing.

Senate bill No. 87, to the Committee on Education.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Minor, Senate bills Nos. 138 and 173 were ordered not printed.

RECESS.

Mr. Albritton moved that the House recess to 1:30 o'clock p. m. today.

Mr. Hardy moved that the House recess to 2 o'clock p. m. today.

The motion of Mr. Hardy prevailed, and the House, accordingly, at 12:30 o'clock p. m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

BILL ORDERED NOT PRINTED.

On motion of Mr. Mehl, Senate bill No. 116 was ordered not printed.

NOTICE GIVEN.

Mr. Bradley gave notice that he would, on next Monday, call up for consideration at that time, the motion to reconsider the vote by which Senate bill No. 119 was passed, which motion to reconsider was spread on the Journal.

COMMITTEE OF THE WHOLE HOUSE.

The House, in accordance with action heretofore taken, at 2 o'clock p. m., resolved itself into a Committee of the

Whole House, Mr. Barron being called to the chair.

(In Committee of the Whole House, Mr. Barron in the chair.)

IN THE HOUSE.

(Mr. Barron in the chair.)

At 2:10 o'clock p. m., Mr. Barron, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress, and ask leave to sit again at 10 o'clock a. m. tomorrow.

On motion of Mr. Purl, the report was adopted by the following vote:

Yeas—61.

Mr. Speaker.	Martin.
Ackerman.	Mauritz.
Adkins.	Maynard.
Anderson.	McCombs.
Baker.	McGill.
Beck.	McKean.
Bounds.	Mehl.
Bradley.	Metcalfe.
Brice.	Montgomery.
Brooks.	Murphy.
Chastain.	Negley.
Conway.	Nicholson.
Cox of Lamar.	Palmer.
Ewing.	Petsch.
Eickenroht.	Pool.
Forbes.	Purl.
Gilbert.	Quinn.
Graves	Renfro.
of Williamson.	Reader.
Harman.	Sanders.
Harper.	Shelton.
Heaton.	Sherrill.
Hubbard.	Simmons.
Johnson	Speck.
of Dimmit.	Storey.
Kayton.	Strong.
Kennedy.	Tillotson.
Kincaid.	Turner.
King.	Walters.
Kinnear.	Warwick.
Land.	White.
Long of Houston.	Young.

Nays—40.

Acker.	Hardy.
Albritton.	Holder.
Avis.	Johnson of Smith.
Barnett.	Johnson of Scurry.
Carpenter.	Justiss.
Cox of Limestone.	Lee.
Davis.	Lemens.
DeWolfe.	Long of Wichita.
Enderby.	Loy.
Finlay.	Mankin.
Gerron.	Marks.
Giles.	Mullally.
Graves of Erath.	Olsen.

Pavlica.	Stephens.
Pope of Jones.	Stevenson.
Ray.	Tarwater.
Richardson.	Thurmond.
Rountree.	Veatch.
Shipman.	Williams
Snelgrove.	of Travis.

Present—Not Voting.

Van Zandt.	Woodall.
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Absent.

Baldwin.	McDonald.
Bateman.	Minor.
Bond.	Moore.
Coltrin.	Morse.
Cox of Navarro.	Mosely.
Dunlap.	O'Neill.
Duvall.	Pope of Nueces.
Finn.	Shaver.
Fuchs.	Sinks.
Gates.	Smith.
Harding.	Thompson.
Harrison.	Waddell.
Hefley.	Wallace.
Hines.	Webb.
Hogg.	Westbrook.
Hopkins.	Wiggs.
Hornaday.	Williams
Keeton.	of Hardin.
Keller.	Woodruff.
Kenyon.	

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

SENATE BILL NO. 49 ON THIRD READING.

The House resumed consideration of pending business, same being Senate bill No. 49, relative to relocation of the Prison System of Texas, on its final passage, the bill having heretofore been read third time.

Mr. Purl offered the following amendment to the bill:

Amend Senate bill No. 49 by adding after the end of line 7, page 5, the following: "The Governor of Texas shall be ex-officio member of said Prison Centralization Commission and said Commission shall at all times be subject to the call of the Governor."

Signed—Beck, Duvall, Purl.

Mr. Loy moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—77.

Mr. Speaker.	Mankin.
Acker.	Mauritz.
Ackerman.	Maynard.
Adkins.	McGill.
Albritton.	McKean.
Avis.	Mehl.
Baker.	Metcalfe.
Brice.	Montgomery.
Brooks.	Murphy.
Carpenter.	Negley.
Chastain.	Nicholson.
Conway.	Olsen.
DeWolfe.	Palmer.
Enderby.	Pavlica.
Eickenroht.	Petsch.
Finlay.	Pool.
Forbes.	Pope of Jones.
Gates.	Quinn.
Gerron.	Ray.
Gilbert.	Reader.
Giles.	Richardson.
Graves	Sanders.
of Williamson.	Shaver.
Graves of Erath.	Shipman.
Hardy.	Simmons.
Harper.	Sinks.
Heaton.	Speck.
Hefley.	Stephens.
Johnson	Stevenson.
of Dimmit.	Storey.
Johnson of Smith.	Strong.
Johnson of Scurry.	Tarwater.
Justiss.	Tillotson.
Kayton.	Turner.
Keeton.	Van Zandt.
King.	Walters.
Kinnear.	Warwick.
Land.	White.
Long of Houston.	Woodall.
Loy.	Young.

Nays—22.

Barnett.	Kennedy.
Beck.	Kincaid.
Bond.	Lemens.
Bounds.	Marks.
Bradley.	McCombs.
Cox of Lamar.	Purl.
Cox of Limestone.	Renfro.
Davis.	Rountree.
Ewing.	Snelgrove.
Holder.	Williams
Hubbard.	of Travis.
Keller.	

Present—Not Voting.

Anderson.	Veatch.
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Absent.

Baldwin.	Duvall.
Bateman.	Finn.
Coltrin.	Fuchs.
Cox of Navarro.	Harding.
Dunlap.	Harman.

Harrison.	O'Neill.
Hines.	Pope of Nueces.
Hogg.	Shelton.
Hopkins.	Sherrill.
Hornaday.	Smith.
Kenyon.	Thompson.
Lee.	Thurmond.
Long of Wichita.	Waddell.
Martin.	Wallace.
McDonald.	Webb.
Minor.	Westbrook.
Moore.	Wiggs.
Morse.	Williams
Mosely.	of Hardin.
Mullally.	Woodruff.

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

Mr. Giles moved the previous question on the passage of the bill, and the main question was ordered.

Senate bill No. 49 was then passed by the following vote:

Yeas—98.

Mr. Speaker.	Holder.
Acker.	Hubbard.
Ackerman.	Johnson
Adkins.	of Dimmit.
Albritton.	Johnson of Smith.
Anderson.	Johnson of Scurry.
Avis.	Justiss.
Baker.	Kayton.
Beck.	Kennedy.
Bond.	Kincaid.
Bradley.	King.
Brice.	Kinnear.
Brooks.	Land.
Carpenter.	Lee.
Chastain.	Lemens.
Conway.	Long of Houston.
Cox of Lamar.	Loy.
Cox of Limestone.	Mankin.
Davis.	Marks.
DeWolfe.	Martin.
Ewing.	Mauritz.
Eickenroht.	Maynard.
Finlay.	McGill.
Forbes.	McKean.
Gates.	Mehl.
Gerron.	Metcalf.
Gilbert.	Montgomery.
Giles.	Moore.
Graves	Murphy.
of Williamson.	Negley.
Hardy.	Nicholson.
Harper.	Olsen.
Harrison.	Palmer.
Heaton.	Pavlica.
Hefley.	Petsch.

Pool.	Stevenson.
Pope of Jones.	Storey.
Ray.	Strong.
Reader.	Tarwater.
Renfro.	Tillotson.
Richardson.	Turner.
Rountree.	Van Zandt.
Sanders.	Veatch.
Shaver.	Walters.
Shelton.	Warwick.
Shipman.	White.
Simmons.	Williams
Sinks.	of Travis.
Snelgrove.	Woodall.
Speck.	Young.
Stephens.	

Nays—4.

Bounds.	Keller.
Graves of Erath.	Purl.

Absent.

Baldwin.	McDonald.
Barnett.	Minor.
Bateman.	Morse.
Coltrin.	Mosely.
Cox of Navarro.	Mullally.
Dunlap.	O'Neill.
Duvall.	Pope of Nueces.
Enderby.	Quinn.
Finn.	Sherrill.
Fuchs.	Smith.
Harding.	Thompson.
Harman.	Thurmond.
Hines.	Waddell.
Hogg.	Wallace.
Hopkins.	Webb.
Hornaday.	Westbrook.
Keeton.	Wiggs.
Kenyon.	Williams
Long of Wichita.	of Hardin.
McCombs.	Woodruff.

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

HOUSE BILL NO. 102 WITH SENATE AMENDMENTS.

Mr. Johnson of Dimmit called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 102. A bill to be entitled "An Act amending Article 7047 of the Revised Civil Statutes of Texas, 1925, by adding a new section thereto, to be known as Section 40, so as to provide an occupation tax upon emigrant agents, defining 'emigrant agents'; providing manner of payment of tax; repealing House bill No. 207, passed by

the First Called Session of the Forty-first Legislature of Texas and approved by the Governor of Texas, May 17, 1929, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Johnson of Dimmit, the House concurred in the Senate amendments by the following vote:

Yeas—103.

Mr. Speaker.	Mankin.
Acker.	Marks.
Ackerman.	Mauritz.
Adkins.	McCombs.
Albritton.	McGill.
Avis.	McKean.
Baker.	Mehl.
Barnett.	Metcalfe.
Bounds.	Montgomery.
Brice.	Mosely.
Brooks.	Murphy.
Carpenter.	Negley.
Chastain.	Nicholson.
Coltrin.	Olsen.
Conway.	Palmer.
Cox of Lamar.	Pavlica.
Cox of Limestone.	Petsch.
Davis.	Pool.
DeWolfe.	Pope of Jones.
Dunlap.	Purl.
Enderby.	Quinn.
Ewing.	Ray.
Eickenroht.	Reader.
Finn.	Renfro.
Forbes.	Richardson.
Gates.	Rogers.
Gerron.	Rountree.
Giles.	Sanders.
Graves	Shaver.
of Williamson.	Shelton.
Graves of Erath.	Sherrill.
Hardy.	Shipman.
Harman.	Simmons.
Harper.	Sinks.
Heaton.	Snelgrove.
Hefley.	Speck.
Hines.	Stevenson.
Hornaday.	Storey.
Hubbard.	Strong.
Johnson	Tarwater.
of Dimmit.	Tillotson.
Johnson of Smith.	Turner.
Johnson of Scurry.	Van Zandt.
Justiss.	Veatch.
Kayton.	Wallace.
Keller.	Walters.
Kennedy.	Warwick.
Kincaid.	Webb.
King.	White.
Kinnear.	Williams
Lemens.	of Travis.
Long of Houston.	Woodall.
Long of Wichita.	Woodruff.
Loy.	Young.

Present—Not Voting.

Land.

Absent.

Anderson.	Martin.
Baldwin.	Maynard.
Bateman.	McDonald.
Beck.	Minor.
Bond.	Moore.
Bradley.	Morse.
Cox of Navarro.	Mullally.
Duvall.	O'Neill.
Finlay.	Pope of Nueces.
Fuchs.	Smith.
Gilbert.	Stephens.
Harding.	Thompson.
Harrison.	Thurmond.
Hogg.	Waddell.
Holder.	Westbrook.
Hopkins.	Wiggs.
Keeton.	Williams
Kenyon.	of Hardin.
Lee.	

Absent—Excused.

Jenkins.	Reid.
Jones.	Savage.
Kemble.	Williams
Patterson.	of Sabine.
Prendergast.	

HOUSE BILL NO. 6 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of unfinished business, same being House bill No. 6, relative to placing a tax on gasoline, the bill having heretofore been read second time.

Mr. Montgomery offered the following amendment to the bill:

Amend House bill No. 6 by striking out Sections 2 and 3 thereof and inserting in lieu thereof the following:

Article 7065a. "Distributor" as used herein shall include all such persons defined as "person" in Article 7065, above, engaged in the sale of gasoline in intrastate commerce, who are required to pay a tax upon the sale of gasoline under the provisions hereof.

Article 7065b. All distributors of gasoline in this State now engaged in the sale of gasoline upon which such tax is required to be paid shall, on or before the first day of November, after the passage of this act, and all persons engaging in the sale of gasoline as distributor thereafter, file a duly acknowledged application with the Comptroller of Public Accounts, on a form prescribed by him, to be furnished upon written request of him, the failure to furnish

which shall be no excuse for failure to file the same unless an absolute refusal is shown, which form shall set forth the name under which such distributor transacts or intends to transact such business as distributor, the principal office or place of business in Texas; and if other than an individual, the principal officers or members thereof not to exceed three, and their office, street or postoffice addresses. The Comptroller may require any other such information as he may desire in said application. No distributor shall, after November 1st, except herein provided, sell any gasoline until such application has been filed, together with bond and the obtaining of a permit. Provided, that nothing in this act shall be construed to require the filing of any application or securing of any permit where any sales are not subject to the tax.

Article 7065c. Upon receipt of the application and the bond hereinafter provided for the Comptroller shall issue to every distributor a permit authorizing the sale of gasoline or its substitute in this State from the date of the issuance of said permit, until and including the following December 31st, and on or before January 1st of each year, and before any distributor shall engage in selling gasoline after January 1st, an application shall be filed and a permit obtained for the calendar year, where such sale would be subject to the tax. Said permit shall provide that the same is revocable and shall be suspended upon violation of any provision of this act or any reasonable rule or regulation adopted by the Comptroller, and if such permit is revoked or suspended said distributor shall not sell any gasoline until a new permit is granted or the suspension of the old permit removed.

Article 7065d. If any distributor has violated any provision of this act and the Comptroller of Public Accounts desires to forfeit or suspend his permit, he shall give notice by registered mail, deposited in the United States mails, stating the reasons justifying forfeiture or suspension of such permit; and that the same shall be forfeited fifteen days from said date unless said distributor purge himself of such violation and pay any penalties that may be due. Provided, that if the Comptroller of Public Accounts illegally attempts to revoke or suspend said permit, said distributor, by giving at least two days' notice to the Comptroller, may file a suit in equity in any court of Travis county having jurisdiction to enjoin the Comptroller's act and at any time after the

expiration of said period the Comptroller may suspend or forfeit said permit unless enjoined. Any notice required to be given by the Comptroller may be mailed to the distributor at any office disclosed by the application required in Article 7065b hereof.

Article 7065e. Before any permit shall be issued, as provided for herein, and before engaging in the sale of gasoline or its substitutes in Texas, every distributor shall execute and file with the Comptroller a good and sufficient surety bond, signed by said distributor, and a good and sufficient surety company or companies authorized to do business in this State, shall be approved by the Comptroller in any amount not less than \$10,000, and which bond or bonds in no event shall exceed \$100,000, payable to the State of Texas, and conditioned by the full, complete and faithful performance of all of the conditions and requirements of this act, on a form to be prescribed by the Comptroller, with the approval of the Attorney General, expressly providing for the payment of all taxes, costs, penalties and interests at Austin, Texas. The amount of the bond required of any distributor shall be fixed by the Comptroller, and additional bond may be required by him at any time, subject to the limitation herein provided, but the distributor may demand a reduction of his bond after six months from the effective date hereof in a sum to be not more than three times the highest tax said distributor has paid for any month during the preceding six months, but which shall never be less than \$10,000. Provided further, that no distributor shall be required to give more than the minimum bond the first month this act becomes effective or the month he shall first engage in business as a distributor, but thereafter the Comptroller may demand additional bond. No recoveries on any bond or execution of any new bond or renewal of a permit shall invalidate any bond. A new bond may be demanded when any new permit is issued or revived, but no revocation or revival shall affect the validity of any bond.

Article 7065f. All taxes due by any distributor to the State shall be a preferred lien upon all of the property of any distributor devoted to or used in his business as distributor, and if any distributor shall fail to remit proper taxes due, the Comptroller may employ auditors or other persons to ascertain the correct amount due, and if such taxes have not been properly remitted the distributor as a penalty shall pay

the reasonable expenses incurred in such investigation and audit as additional penalty.

Article 7065g. Whoever, as distributor, shall sell any gasoline or gasoline substitute upon which a tax is required to be paid by this act without having first obtained and at the time having a valid permit, as required by this act, or whoever shall sell any gasoline or gasoline substitute in this State as agent, employe or representative of a distributor upon which a tax is imposed by this act, knowing that such distributor has not obtained a permit as required by this act, or that said distributor does not at the time have a valid permit, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than \$100 nor more than \$5000, or be confined in the county jail not more than six months, or both such fine and imprisonment.

Article 7065h. Every distributor required to obtain a permit under the provisions of this act shall keep a complete record of all crude oil and other oil or products from which such distributor may refine or blend any gasoline or gasoline substitute that is sold by him upon which the tax is due, and shall keep numbered sales tickets upon every sale upon which a tax is due under the provisions of this act where such sales are in quantities of over twenty-five gallons, which tickets shall be numbered consecutively, shall show the quantity sold, the purchaser and address, the date and means of delivery, and shall be preserved, and a complete record of all gasoline received by every distributor in this State, whether a tax is required to be paid upon the same or not, shall be kept, except gasoline sold in interstate commerce or for export. The Comptroller is authorized to adopt such rules and regulations requiring the keeping of such records as he may deem advisable to aid him in the enforcement of the provisions of this act.

Article 7065i. If any person shall destroy, mutilate or secrete any of the records required to be kept by the provisions of this act, or shall refuse to allow the Comptroller or his representatives or the Attorney General or his representatives to examine the same, he shall be guilty of a misdemeanor and shall be fined in a sum of not less than \$100 nor more than \$5000, or be confined in the county jail not more than six months, or both such fine and imprisonment.

Article 7065j. If any distributor shall (a) sell any gasoline or gasoline substitute upon which a tax is required to be paid without first having obtained or at the time having a valid permit, or (b) fail to keep any of the records required to be kept by Article 7065h, or violate any provision thereof, or (c) fail to make the report required by Article 7065, or (d) fail to make the remittance, together with the report, as required by Article 7065, or (e) refuse to permit the Comptroller or his agents, to examine the books, records or papers required to be kept by this act, or violate any of the other provisions of this act, or any rule or regulation adopted by the Comptroller, shall forfeit to the State as a penalty the sum of not less than \$100 nor more than \$1000, and each day's violation shall constitute a separate offense and incur another penalty, which if not paid shall be recovered in a suit by the Attorney General in a court of competent jurisdiction in Travis county, or any other court having jurisdiction, together with interest at the legal rate.

Article 7065k. Whoever shall, as agent or representative of a distributor, knowingly make any false entry or fails to make entries in the books required to be kept by this act with intent to defraud the State, or whoever as such shall knowingly make a false or incomplete return as required to be made to the Comptroller of Public Accounts under this act, shall be guilty of a misdemeanor and, upon conviction therefor, shall be fined in a sum not less than one hundred dollars nor more than one thousand dollars, or to be confined in the county jail not more than six months, or by both such fine and imprisonment.

Sec. 2. A tax of four (4) cents per gallon shall be imposed immediately upon the effective date of this act, but the other provisions of this act shall not become effective until November 1st following the effective date hereof.

Sec. 3. The provisions of this act are severable, and if any of the provisions shall be held void the decision of the court shall not affect or impair any of the remaining provisions of the act, and it is hereby declared as the legislative intent that this act would have been adopted had any such void provision not been included therein, and should any of the provisions contained herein by way of amendment, be held invalid it is hereby declared as the legislative intent that Article 7065 would have been amended notwithstanding

ing increasing the tax from two (2) cents to four (4) cents per gallon.

Sec. 4. The fact that the present gasoline occupation law in this State does not provide all the means for its economical and efficient enforcement, that the present tax is inadequate, and that the State is losing many hundreds of thousands of dollars because of the inability to enforce the act, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each House be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

Mr. Holder offered the following amendment to the bill:

Amend the bill by substituting "three cents" for "four cents" wherever it may occur.

Signed—Holder, Davis, Avis, Veatch, Simmons, Purl, Duvall, Keller, Savage, Chastain, Hardy.

(Pending consideration of the amendment, Mr. McGill occupied the chair temporarily.)

(Speaker in the chair.)

Mr. Montgomery moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—64.

Mr. Speaker.	Kincaid.
Acker.	Land.
Adkins.	Long of Houston.
Albritton.	Loy.
Baker.	Marks.
Bounds.	Mauritz.
Brice.	Mehl.
Carpenter.	Metcalfe.
Conway.	Montgomery.
Cox of Limestone.	Mosely.
Dunlap.	Murphy.
Ewing.	Negley.
Eickenroht.	Olsen.
Finn.	Palmer.
Forbes.	Petsch.
Gates.	Pool.
Giles.	Pope of Jones.
Graves of Erath.	Quinn.
Harman.	Ray.
Harper.	Reader.
Heaton.	Renfro.
Hornaday.	Rountree.
Hubbard.	Sanders.
Johnson of Smith.	Shaver.
Johnson of Scurry.	Shelton.
Justiss.	Simmons.
Kennedy.	Speck.

Strong.
Tarwater.
Tillotson.
Turner.
Van Zandt.
Wallace.

Walters.
Warwick.
Williams
of Travis.
Woodall.

Nays—40.

Avis.	Kinnear.
Bond.	Lemens.
Brooks.	Mankin.
Chastain.	McCombs.
Coltrin.	McGill.
Cox of Navarro.	McKean.
Davis.	Moore.
DeWolfe.	Nicholson.
Gerron.	Pavlica.
Graves	Purl.
of Williamson.	Richardson.
Hardy.	Shipman.
Harding.	Sinks.
Hefley.	Snelgrove.
Hines.	Storey.
Holder.	Veatch.
Johnson	Webb.
of Dimmit.	White.
Kayton.	Woodruff.
Keller.	Young.
King.	

Present—Not Voting.

Cox of Lamar. Enderby.

Absent.

Anderson.	McDonald.
Barnett.	Minor.
Bateman.	Morse.
Beck.	Mullally.
Bradley.	O'Neill.
Duvall.	Pope of Nueces.
Fuchs.	Sherrill.
Gilbert.	Smith.
Harrison.	Stephens.
Hogg.	Thurmond.
Hopkins.	Waddell.
Keeton.	Westbrook.
Kenyon.	Wiggs.
Lee.	Williams
Martin.	of Hardin.
Maynard.	

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

Paired.

Mr. Cox of Lamar (present), who would vote "nay," with Mr. Lee (absent), who would vote "yea."

Mr. Ackerman (present), who would vote "nay," with Mr. Finlay (absent), who would vote "yea."

Mr. Stevenson (present), who would vote "nay," with Mr. Baldwin (absent), who would vote "yea."

Mr. Long of Wichita (present), who would vote "nay," with Mr. Thompson (absent), who would vote "yea."

Mr. Petsch offered the following amendment to the bill:

Amend House bill No. 6 as amended by adding a new paragraph immediately after the paragraph designated as Section 2, which follows Article 7065-k, and which paragraph shall read as follows:

"Article 7065-l. Every person who shall, immediately after the effective date of this act, distribute and/or use any gasoline upon which the tax has not therefor been paid as the same is provided for in Section 2 of this act, shall pay to the State of Texas a tax of 4 cents for each gallon of gasoline so by him distributed and/or used. It is hereby declared to be the intention of this law to collect a tax of 4 cents on each and every gallon of gasoline sold at wholesale and/or distributed and/or used in the State of Texas, and which particular gasoline is not exempt from the payment of said tax by any of the provisions of this act. And each and all parties who shall desire hereafter to distribute and/or use any gasoline upon which the tax has not been paid at the time the same was received by such persons shall first obtain a permit as it is required in this act to be obtained by the distributors as in the act defined. The terms 'sale' and 'sell,' or 'sold' as used in this law shall include the terms 'distribute,' 'distributed,' 'use' or 'used' and the word 'distributor' as used in this act shall include each and every person who distributes and/or uses any gasoline the tax on which has not been paid as provided for in Section 2 of this act. Each and every such distributor as herein defined shall be amenable to each and every penalty herein prescribed, and required to make each and every bond required in this law.

"Provided that nothing in this section shall apply to single purchases of twenty-five gallons or less."

Signed—Petsch et al.

The amendment was adopted.

Mr. Tarwater offered the following amendment to the bill:

Amend House bill No. 6 by adding Sections 2, 3, 4, 5 and 6 after Section 1. Renumber sections to conform.

Section 2. Any person who purchases

any gasoline as defined in this act, in the State of Texas, to be used for operating or propelling any stationary gas engine or tractor used for agricultural purposes, motor boat, aeroplane, or aircraft of any character, or for cleaning and dyeing, or for any other purpose other than use in a motor vehicle operated or intended to be operated in whole or in part upon any of the public highways of the State of Texas, on which gasoline the tax imposed by this act shall have been paid directly or indirectly, shall be refunded the amount of such tax so paid in the manner and subject to the limitations and conditions prescribed herein. Upon each purchase of gasoline by such person, an invoice or ticket shall be made out at the time, which shall state the number of gallons of gasoline thus purchased, the purpose for which it will be used or is intended to be used, the date and place of the purchase, the name of the purchaser or user, and the name of the agent or employee actually making the purchase, if any, the seller and place of business of seller, the manner of delivery, the place of delivery, and that the tax was then and there paid upon the sale, and the price of the gasoline and the tax stated separately, and give such other information as the Comptroller may require, and no refund shall be allowed unless the seller at that time and not thereafter executed such an invoice or ticket as provided above. All claims for reimbursement shall be made by affidavit in such form and containing such information and be presented within such time as the Comptroller of Public Accounts by rules and regulations shall prescribe, which shall be not sooner than thirty (30) days after the purchase of any gasoline and not later than six (6) months after the purchase of any gasoline, and the claimant shall satisfy the Comptroller that he has borne and paid the tax, and that the gasoline has been consumed by him in a manner other than the operation of a motor vehicle upon or over the highways of this State. The Comptroller may require such information or proof as he shall deem necessary for the administration of this act in the consideration of such claim. Such claims for reimbursement shall be approved by the Comptroller, and shall be paid from revenue collected under this act, and deposited as hereinafter provided, but no such claim shall be paid unless the Comptroller is satisfied that the amount of the tax for which reimbursement is

claimed has actually been collected by the State.

Section 3. Before any refund shall be made to any claimant by the Comptroller said claimant shall present to the Comptroller an affidavit, attaching thereto a copy of invoice or ticket mentioned in the above section, which shall be made on a form prescribed by the Comptroller, said claimant shall state in said affidavit that no part of said gasoline has been used in propelling a motor vehicle upon or over the highways of this State, that the information contained in the attached invoice or ticket is correct, and that the tax which is claimed has actually been paid directly or indirectly by the claimant, and in the same manner prescribed by the Comptroller, the manner in which and the purpose for which said gasoline was used.

Section 4. Upon receipt of taxes provided for in this act, the Treasurer of the State shall place the first \$25,000 collected in a special fund to be known as the gasoline tax rotary fund. Thereafter as required by depletion thereof he shall place to the credit of said rotary fund an amount sufficient to make the total of said fund at the time of each such credit amount to \$25,000.

The refunds provided for by this act shall be paid by warrant in the usual manner from such rotary fund, and the balance of taxes collected under the provisions of this act, after credits to said rotary fund, shall be credited as provided for in Section 1 of this act. "Highway" shall include any road, street, way, thoroughfare, or bridge in this State, not privately owned or controlled, for the use of vehicles, over which the State has legislative jurisdiction under its police powers.

Section 5. Whoever wilfully and knowingly makes any false statement in any claim made under the provisions of this act as to any material fact required by this act shall be guilty of an offense and shall be punishable by a fine of not less than two hundred dollars (\$200), nor more than two thousand dollars (\$2000), or by imprisonment for not less than thirty (30) days nor more than one (1) year, or both such fine and imprisonment.

Section 6 (a) If the courts should hold that the provisions of this act relating to the refund of taxes paid is invalid, then it is hereby declared as the legislative intent that said tax would have been imposed on all gasoline sold

and without allowing any refunds to be made, and if the courts further hold that said refunds can not be made out of moneys in the treasury, then said tax shall be levied on all gasoline, and no refunds shall be allowed to be made.

Signed—Ray, Tarwater.

Mr. Stevenson offered the following substitute for the amendment:

Amend amendment by adding at the end of Section 1, on page 4, a new section to be designated Section 1a, to read as follows:

Section 1a. That every distributor of highway motor fuels in the State of Texas, engaged in selling, distributing, and/or using highway motor fuel shall, before selling, distributing, and/or using motor fuels, color, or cause to be colored purple, all such highway motor fuels to be sold, distributed to, and/or used by the United States Government, or any official agency or instrumentality thereof for consumption or use by such Government, in such manner as the same is not subject to such tax; or to be sold, distributed to and/or used only for the purpose of operating or propelling machinery or devices for those engaged in mechanical pursuits; for the purpose of operating or propelling stationary engines, fire department apparatus not used on the highways of this State, motor boat or marine engines, aircraft; for cleaning and dyeing purposes other than in motor vehicles; police patrol wagons and ambulances owned by municipalities not used on the highways of this State, and agricultural tractors and combines used for strictly agricultural purposes and not used on the public highways; and no purple colored motor fuels shall be sold, distributed for and/or used in any vehicle propelled by internal combustion engines, electricity, or steam, upon, or over the highways of this State, or capable of use thereof, and all other motor vehicles capable of such use, other than those herein specially permitted to use purple colored motor fuels. Every application to purchase purple colored motor fuel shall be accompanied by affidavit showing the intended use thereof, to be for a purpose exempting same from the payment of the tax herein fixed, and if such motor fuel be used for a purpose other than that exempting such motor fuel from said tax, such improper use shall constitute a misdemeanor, and if said purple motor fuel be mixed with some other liquid or coloring so as to destroy or disguise its original purple

color such mixing or adulteration shall constitute a misdemeanor and the person guilty of such improper use or mixing or adulteration shall be fined not less than one hundred (\$100) dollars, nor more than one thousand (\$1000) dollars, and the making of such false affidavit shall constitute false swearing, as defined by Article 310 of the 1925 Penal Code of Texas, and the person making such false affidavit shall be punished as is provided in said Article 310 of said 1925 Penal Code of Texas.

The terms "highway motor fuel," "gasoline," "purple motor fuel," or "purple-colored motor fuel," shall include all fuels ordinarily, practically, and commercially usable and combustible in internal combustion engines for the generation of power in propelling motor vehicles upon and over the highways of this State, and shall include all distillates of and condensates from petroleum, natural gas, coal, coal tar and vegetable ferments, except what is commonly known as fuel and crude oil, and except kerosene having a minimum of 110 degrees Fahrenheit flash test, when tested in the manner fixed or prescribed, or that may be hereafter prescribed by the United States Bureau of Mines; said distillates and condensates being ordinarily designated as gasoline, liberty fuel, naphtha, benzol, benzine, alcohols, and other volatile and inflammable liquids so usable.

The term "highway" shall include any road, street, way, thoroughfare or bridge in this State not privately owned or controlled, for the use of vehicles over which the State has legislative jurisdiction under its police power.

The term "motor vehicle" shall include all vehicles propelled by internal combustion engines, electricity, or steam, upon or over the highways of the State of Texas, or capable of use thereon.

The substitute amendment was adopted by the following vote:

Yeas—62.

Mr. Speaker.	DeWolfe.
Adkins.	Enderby.
Albritton.	Ewing.
Avis.	Finn.
Baker.	Forbes.
Barnett.	Gerron.
Bateman.	Giles.
Brooks.	Graves
Coltrin.	of Williamson.
Cox of Navarro.	Hardy.
Cox of Lamar.	Harman.
Cox of Limestone.	Harper.
Davis.	Heaton.

Hines.	Olsen.
Hornaday.	Pavlica.
Johnson	Purl.
of Dimmit.	Quinn.
Johnson of Smith.	Ray.
Johnson of Scurry.	Rountree.
Keller.	Shaver.
Kennedy.	Shelton.
Kincaid.	Sherrill.
King.	Shipman.
Kinnear.	Stevenson.
Land.	Storey.
Long of Wichita.	Tarwater.
Mankin.	Thurmond.
Mauritz.	Turner.
McCombs.	Warwick.
Metcalfe.	Webb.
Moore.	White.
Mullally.	Woodruff.
Murphy.	Young.

Nays—39.

Ackerman.	Montgomery.
Bounds.	Mosely.
Brice.	Negley.
Carpenter.	Palmer.
Chastain.	Petsch.
Conway.	Pool.
Eickenroht.	Pope of Jones.
Gates.	Reader.
Graves of Erath.	Richardson.
Hefley.	Sanders.
Hubbard.	Simmons.
Justiss.	Sinks.
Keeton.	Snelgrove.
Lemens.	Thompson.
Long of Houston.	Tillotson.
Loy.	Van Zandt.
Marks.	Veatch.
McGill.	Walters.
McKean.	Williams
Mehl.	of Travis.

Present—Not Voting.

Stephens.

Absent.

Acker.	Martin.
Anderson.	Maynard.
Baldwin.	McDonald.
Beck.	Minor.
Bond.	Morse.
Bradley.	Nicholson.
Dunlap.	O'Neill.
Duvall.	Pope of Nueces.
Finlay.	Renfro.
Fuchs.	Smith.
Gilbert.	Speck.
Harding.	Strong.
Harrison.	Waddell.
Hogg.	Wallace.
Holder.	Westbrook.
Hopkins.	Wiggs.
Kayton.	Williams
Kenyon.	of Hardin.
Lee.	Woodall.

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

Mr. Quinn moved to reconsider the vote by which the substitute amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. McCombs moved the previous question on the pending amendment and the bill, and the motion was not seconded.

Mr. Sanders then moved to table the amendment as substituted.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—41.

Ackerman.	Montgomery.
Albritton.	Negley.
Bounds.	Olsen.
Brice.	Pool.
Chastain.	Reader.
Conway.	Renfro.
Cox of Navarro.	Richardson.
Cox of Limestone.	Sanders.
Eickenroht.	Shaver.
Graves of Erath.	Sherrill.
Hines.	Simmons.
Hornaday.	Sinks.
Hubbard.	Snelgrove.
Johnson of Scurry.	Stephens.
Justiss.	Thompson.
Kennedy.	Van Zandt.
Loy.	Veatch.
Marks.	Wallace.
McCombs.	Williams
McGill.	of Travis.
Mehl.	Woodall.

Nays—64.

Mr. Speaker.	Hardy.
Adkins.	Harman.
Avis.	Harper.
Baker.	Heaton.
Barnett.	Hefley.
Bond.	Johnson
Brooks.	of Dimmit.
Carpenter.	Johnson of Smith.
Coltrin.	Keeton.
Cox of Lamar.	Keller.
DeWolfe.	Kincaid.
Enderby.	King.
Ewing.	Land.
Finn.	Lemens.
Forbes.	Long of Houston.
Gerron.	Long of Wichita.
Giles.	Mankin.
Graves	Mauritz.
of Williamson.	McKean.

Metcalfe.
Moore.
Mullally.
Murphy.
Palmer.
Pavlica.
Petsch.
Pope of Jones.
Purl.
Quinn.
Ray.
Rountree.
Shelton.
Shipman.

Speck.
Stevenson.
Storey.
Strong.
Tarwater.
Thurmond.
Tillotson.
Turner.
Walters.
Warwick.
Webb.
White.
Woodruff.
Young.

Absent.

Acker.	Kenyon.
Anderson.	Kinnear.
Baldwin.	Lee.
Bateman.	Martin.
Beck.	Maynard.
Bradley.	McDonald.
Davis.	Minor.
Dunlap.	Morse.
Duvall.	Mosely.
Finlay.	Nicholson.
Fuchs.	O'Neill.
Gates.	Pope of Nueces.
Gilbert.	Smith.
Harding.	Waddell.
Harrison.	Westbrook.
Hogg.	Wiggs.
Holder.	Williams
Hopkins.	of Hardin.
Kayton.	

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

The amendment, as substituted, was then adopted by the following vote:

Yeas—67.

Mr. Speaker.	Graves
Adkins.	of Williamson.
Avis.	Hardy.
Baker.	Harman.
Barnett.	Harper.
Bond.	Heaton.
Brooks.	Johnson
Carpenter.	of Dimmit.
Coltrin.	Johnson of Smith.
Cox of Navarro.	Keeton.
Cox of Lamar.	Keller.
DeWolfe.	Kincaid.
Dunlap.	King.
Enderby.	Land.
Ewing.	Long of Houston.
Finn.	Long of Wichita.
Forbes.	Mankin.
Gerron.	Mauritz.
Giles.	McCombs.

McKean.	Shelton.
Metcalfe.	Shipman.
Moore.	Speck.
Mullally.	Stevenson.
Murphy.	Storey.
Olsen.	Strong.
Palmer.	Tarwater.
Pavlica.	Thurmond.
Petsch.	Turner.
Pope of Jones.	Walters.
Purl.	Warwick.
Quinn.	Webb.
Ray.	White.
Richardson.	Woodruff.
Rountree.	Young.
Shaver.	

Nays—35.

Ackerman.	McGill.
Albritton.	Mosely.
Bounds.	Negley.
Brice.	Pool.
Chastain.	Reader.
Conway.	Renfro.
Cox of Limestone.	Sanders.
Eickenroht.	Sherrill.
Graves of Erath.	Simmons.
Hefley.	Sinks.
Hines.	Snelgrove.
Hornaday.	Stephens.
Hubbard.	Tillotson.
Johnson of Scurry.	Van Zandt.
Justiss.	Veatch.
Kennedy.	Williams
Loy.	of Travis.
Marks.	Woodall.

Present—Not Voting.

Lemens.	Mehl.
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Absent.

Acker.	Kinnear.
Anderson.	Lee.
Baldwin.	Martin.
Bateman.	Maynard.
Beck.	McDonald.
Bradley.	Minor.
Davis.	Montgomery.
Duvall.	Morse.
Finlay.	Nicholson.
Fuchs.	O'Neill.
Gates.	Pope of Nueces.
Gilbert.	Smith.
Harding.	Thompson.
Harrison.	Waddell.
Hogg.	Wallace.
Holder.	Westbrook.
Hopkins.	Wiggs.
Kayton.	Williams
Kenyon.	of Hardin.

Absent—Excused.

Jenkins.	Patterson.
Jones.	Prendergast.
Kemble.	Reid.

Rogers.	Williams
Savage.	of Sabine.

Mr. Quinn moved to reconsider the vote by which the amendment, as substituted, was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Graves of Erath offered the following amendment to the bill:

Amend House bill No. 6, page 3, lines 21-31, by striking out the entire sentence beginning with the words "one-fourth" and ending with the word "respectively," and inserting the following: "One-fourth of said tax shall go to the available school fund, one-fourth to each county of this State in proportion to the number of population of said county, by the last Federal census, to become a part of the road and bridge fund of said county, and one-half of the same shall be placed to the credit of the State Highway Fund."

Signed—Graves of Erath, Snelgrove.

The amendment was lost by the following vote:

Yeas—44.

Adkins.	Marks.
Bond.	McCombs.
Brice.	McKean.
Brooks.	Mehl.
Chastain.	Metcalfe.
Enderby.	Mullally.
Ewing.	Olsen.
Eickenroht.	Pavlica.
Giles.	Purl.
Graves	Quinn.
of Williamson.	Ray.
Graves of Erath.	Reader.
Hardy.	Renfro.
Harman.	Richardson.
Heaton.	Shelton.
Hines.	Shipman.
Johnson	Snelgrove.
of Dimmit.	Stephens.
Johnson of Smith.	Stevenson.
Keller.	Storey.
Kennedy.	Strong.
King.	Thurmond.
Long of Wichita.	Webb.

Nays—59.

Mr. Speaker.	Cox of Lamar.
Ackerman.	Cox of Limestone.
Albritton.	DeWolfe.
Avis.	Forbes.
Baker.	Gates.
Barnett.	Gerron.
Bounds.	Harper.
Carpenter.	Hornaday.
Coltrin.	Hubbard.
Conway.	Johnson of Scurry.

Justiss.	Rountree.
Keeton.	Sanders.
Kincaid.	Shaver.
Land.	Sherrill.
Lemens.	Simmons.
Long of Houston.	Sinks.
Loy.	Speck.
Mankin.	Thompson.
Martin.	Tillotson.
Mauritz.	Turner.
McGill.	Van Zandt.
Montgomery.	Veatch.
Moore.	Wallace.
Mosely.	Walters.
Murphy.	Warwick.
Negley.	Woodall.
Palmer.	Williams
Petsch.	of Travis.
Pool.	Woodruff.
Pope of Jones.	Young.

Absent.

Acker.	Kayton.
Anderson.	Kenyon.
Baldwin.	Kinnear.
Bateman.	Lee.
Beck.	Maynard.
Bradley.	McDonald.
Cox of Navarro.	Minor.
Davis.	Morse.
Dunlap.	Nicholson.
Duwall.	O'Neill.
Finn.	Pope of Nueces.
Finlay.	Smith.
Fuchs.	Tarwater.
Gilbert.	Waddell.
Harding.	Westbrook.
Harrison.	White.
Hefley.	Wiggs.
Hogg.	Williams
Holder.	of Hardin.
Hopkins.	

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

Mr. Harman offered the following amendment to the bill:

Amend House bill No. 6, page 4, by adding at the end of Section 1 a new section to be numbered Section 1a to read as follows:

"Section 1a. That twenty per cent of the money collected as levied herein that goes to the Highway Department shall be set aside by the Highway Department to be used by the Department to retire outstanding county bonds when the proceeds of said bonds have been used and/or being used to build designated State Highways."

Signed—Harman, Purl.

Mr. Montgomery raised a point of order on further consideration of the amendment, on the ground that it is not germane to the bill.

The Speaker overruled the point of order.

Mr. Montgomery moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—58.

Mr. Speaker.	Olsen.
Ackerman.	Palmer.
Bounds.	Petsch.
Conway.	Pool.
Cox of Navarro.	Pope of Jones.
Cox of Limestone.	Richardson.
DeWolfe.	Rountree.
Dunlap.	Sanders.
Ewing.	Shaver.
Forbes.	Shipman.
Gates.	Simmons.
Giles.	Sinks.
Hardy.	Snelgrove.
Heaton.	Speck.
Hornaday.	Tarwater.
Hubbard.	Thompson.
Justiss.	Tillotson.
Kincaid.	Turner.
Long of Houston.	Van Zandt.
Loy.	Veatch.
Martin.	Wallace.
Mauritz.	Walters.
McCombs.	Warwick.
McGill.	White.
Metcalfe.	Williams
Montgomery.	of Travis.
Mosely.	Woodall.
Mullally.	Woodruff.
Murphy.	Young.
Negley.	

Nays—44.

Adkins.	Johnson of Scurry.
Albritton.	Keeton.
Avis.	Keller.
Baker.	Kennedy.
Barnett.	King.
Bond.	Land.
Brice.	Lemens.
Brooks.	Mankin.
Carpenter.	Marks.
Chastain.	McKean.
Coltrin.	Moore.
Cox of Lamar.	Pavlica.
Davis.	Pope of Nueces.
Finn.	Purl.
Gerron.	Quinn.
Graves	Ray.
of Williamson.	Renfro.
Harman.	Sherrill.
Harper.	Stephens.
Hines.	Stevenson.
Johnson of Smith.	Storey.

Strong.
Thurmond.

Webb.

Absent.

Acker.
Anderson.
Baldwin.
Bateman.
Beck.
Bradley.
Duvall.
Enderby.
Eickenroht.
Finlay.
Fuchs.
Gilbert.
Graves of Erath.
Harding.
Harrison.
Hefley.
Hogg.
Holder.
Hopkins.
Johnson
of Dimmit.

Kayton.
Kenyon.
Kinnear.
Lee.
Long of Wichita.
Maynard.
McDonald.
Mehl.
Minor.
Morse.
Nicholson.
O'Neill.
Reader.
Shelton.
Smith.
Waddell.
Westbrook.
Wiggs.
Williams
of Hardin.

Absent—Excused.

Jenkins.
Jones.
Kemble.
Patterson.
Prendergast.

Reid.
Rogers.
Savage.
Williams
of Sabine.

Mr. Pope of Jones offered the following amendment to the bill:

Amend House bill No. 6, as amended, by inserting the following:

Article 7065m. (a) Every common carrier in this State having the custody of books or records showing the transportation of gasoline in this State shall give and permit the Comptroller or his representatives free access to such books and records.

(b) All persons operating railroads, trucks, pipe lines and other conveyances in the transportation of gasoline in or into this State shall render a sworn report to the Comptroller not later than the 25th of each month, showing a description of the tank, car, truck or other conveyance in which the same was transported on such forms as shall be prescribed by the Comptroller, which was transported by such persons during the preceding month; provided, that no report be made by any such persons transporting gasoline in containers of capacity less than twenty (20) gallons. Such report shall show the points of origin and destination, the number of gallons shipped, the date, the consignee and consignor, and the kind of gasoline.

(c) Any person violating any provision of this section shall be liable

for the penalty prescribed in Article 7065i. Provided, no report or information is required herein, the requiring of which would be a violation of the laws and Constitution of the United States or Texas, or an unlawful burden on interstate or foreign commerce.

Mr. Purl moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Pope of Jones, it was adopted.

Mr. Keller, by unanimous consent, offered the following amendment to the bill:

Amend House bill No. 6, as amended, below the enacting clause, by adding a new section, to be placed in the proper place, which is to read as follows:

Section . . The repeal of any statute, or any portion thereof, by this act, shall not affect or impair any act done or right vested or accrued, or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution had or commenced, shall remain in full force and effect to all intents and purposes as if such statute or part thereof so repealed had remained in force except that where the course of practice or procedure for the enforcement of such right, or the conducting of such proceeding, suit or prosecution shall be changed, the same shall be conducted as near as may be in accordance with the existing law. No offense committed and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time any statute or part thereof shall be repealed or altered by this act shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior statute or part thereof had not been repealed or altered, except as to procedure and practice.

The amendment was adopted.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 6 was then passed to engrossment by the following vote:

Yeas—91.

Mr. Speaker.
Ackerman.
Adkins.
Albritton.

Avis.
Bounds.
Brice.
Brooks.

Carpenter.	Mosely.
Chastain.	Mullally.
Coltrin.	Murphy.
Conway.	Negley.
Cox of Navarro.	Olsen.
Cox of Limestone.	Palmer.
Cox of Lamar.	Petsch.
Dunlap.	Pool.
Enderby.	Pope of Jones.
Ewing.	Pope of Nueces.
Eickenroht.	Quinn.
Finn.	Ray.
Forbes.	Renfro.
Gates.	Richardson.
Gerron.	Rountree.
Giles.	Sanders.
Graves	Shaver.
of Williamson.	Sherrill.
Graves of Erath.	Shipman.
Harper.	Simmons.
Heaton.	Sinks.
Hines.	Snelgrove.
Hornaday.	Speck.
Hubbard.	Stephens.
Johnson of Smith.	Stevenson.
Johnson of Scurry.	Storey.
Justiss.	Strong.
Keeton.	Tarwater.
Kennedy.	Thompson.
Kincaid.	Thurmond.
Land.	Tillotson.
Lemens.	Turner.
Long of Houston.	Van Zandt.
Loy.	Veatch.
Marks.	Wallace.
Martin.	Walters.
Mauritz.	Warwick.
McCombs.	White.
McGill.	Williams
McKean.	of Travis.
Metcalfe.	Woodall.
Montgomery.	Woodruff.
Moore.	

Nays—12.

Barnett.	Keller.
Davis.	Mankin.
DeWolfe.	Pavlica.
Duvall.	Purl.
Hardy.	Webb.
Kayton.	Young.

Absent.

Acker.	Harrison.
Anderson.	Hefley.
Baker.	Hogg.
Baldwin.	Holder.
Bateman.	Hopkins.
Beck.	Johnson
Bond.	of Dimmit.
Bradley.	Kenyon.
Finlay.	King.
Fuchs.	Kinnear.
Gilbert.	Lee.
Harding.	Long of Wichita.
Harman.	Maynard.

McDonald.	Shelton.
Mehl.	Smith.
Minor.	Waddell.
Morse.	Westbrook.
Nicholson.	Wiggs.
O'Neill.	Williams
Reader.	of Hardin.

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

HOUSE BILL NO. 6 ON THIRD READING.

Mr. Montgomery moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—92.

Mr. Speaker.	Lemens.
Ackerman.	Long of Houston.
Adkins.	Loy.
Albritton.	Marks.
Baker.	Martin.
Bounds.	Mauritz.
Brice.	McCombs.
Brooks.	McGill.
Carpenter.	McKean.
Chastain.	Metcalfe.
Coltrin.	Montgomery.
Conway.	Moore.
Cox of Navarro.	Mosely.
Cox of Lamar.	Mullally.
Cox of Limestone.	Murphy.
DeWolfe.	Negley.
Dunlap.	Olsen.
Enderby.	Palmer.
Ewing.	Petsch.
Finn.	Pool.
Forbes.	Pope of Jones.
Gates.	Pope of Nueces.
Gerron.	Purl.
Giles.	Quinn.
Graves	Ray.
of Williamson.	Renfro.
Harper.	Richardson.
Heaton.	Rountree.
Hines.	Sanders.
Hornaday.	Shaver.
Hubbard.	Sherrill.
Johnson of Smith.	Shipman.
Johnson of Scurry.	Simmons.
Justiss.	Sinks.
Keeton.	Snelgrove.
Keller.	Speck.
Kennedy.	Stephens.
Kinnear.	Storey.
Land.	Strong.

Tarwater.	Walters.
Thompson.	Warwick.
Thurmond.	White.
Tillotson.	Williams
Turner.	of Travis.
Van Zandt.	Woodall.
Veatch.	Woodruff.
Wallace.	Young.

Nays—8.

Davis.	Kayton.
Duvall.	Pavlica.
Eickenroht.	Mankin.
Hardy.	Webb.

Present—Not Voting.

Graves of Erath. Stevenson.

Absent.

Acker.	Kenyon.
Anderson.	Kincaid.
Avis.	King.
Baldwin.	Lee.
Barnett.	Long of Wichita.
Bateman.	Maynard.
Beck.	McDonald.
Bond.	Mehl.
Bradley.	Minor.
Finlay.	Morse.
Fuchs.	Nicholson.
Gilbert.	O'Neill.
Harding.	Reader.
Harman.	Shelton.
Harrison.	Smith.
Hefley.	Waddell.
Hogg.	Westbrook.
Holder.	Wiggs.
Hopkins.	Williams
Johnson	of Hardin.
of Dimmit.	

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

The Speaker then laid House bill No. 6 before the House on its third reading and final passage.

Mr. Montgomery offered the following amendment to the bill:

Amend House bill No. 6 by striking out all above the enacting clause and insert in lieu thereof the following:

A bill to be entitled "An Act amending Chapter 93, Acts of the Regular Session of the Fortieth Legislature, Article 7065, Revised Civil Statutes of 1925, providing for an occupation tax upon wholesale dealers in gasoline, increasing the tax from two to four cents per gallon on all such gasoline as defined herein sold by such distributor,

as defined here, requiring distributors to file applications, bond and obtain permits before engaging in the sale of such gasoline, and providing the manner and time of filing and procuring the same, providing for the suspension, revocation, and renewal of permits, creating liens on property of distributors for such taxes, requiring certain records to be kept and reports to be made, and providing for the examination of same, and providing for penalties and interest for non-payment of taxes, the time and manner of reporting, computing, and remitting the same, and for the collection thereof; providing for the appropriation and use of such fund; authorizing the Comptroller of Public Accounts to adopt rules and regulations for the enforcement of the provisions herein; providing, defining, and declaring certain offenses for violation of the provisions hereof, prescribing fines, penalties and punishment therefor, and providing for the administration of this act, and declaring an emergency."

The amendment was adopted.

Mr. Quinn offered the following amendment to the bill:

Amend House bill No. 6, page 3 of printed substitute, Section 1, by striking out all of line 18 after the word "paid" down to and including the word "respectively," in line 31, and adding in lieu thereof the following: "The taxes herein levied shall be paid by the State Comptroller immediately upon collection as follows: One-fourth of said taxes shall be paid into the State Treasury for the available school fund, and one-half cent per gallon on all gasoline or other fuel used, on which taxes is paid, in each county, shall be paid by the State Comptroller into the county treasury in each county for the road and bridge fund of said county for the purpose of construction and maintenance of public lateral roads and the remainder of said tax shall be placed in the State Treasury by the Comptroller to the credit of the State Highway Fund for the construction and maintenance of public highways of the State, constituting a part of the State system of the public highways as designated or may be, hereafter, designated by the State Highway Commission and shall be subject to disbursement in accordance with the statutes controlling the disposition of such funds."

Signed—Quinn, Graves of Erath, Chastain.

The amendment was lost by the following vote:

Yeas—35.

Adkins.	Kennedy.
Avis.	Land.
Bounds.	Lemens.
Brice.	Moore.
Brooks.	Pavlica.
Chastain.	Purl.
Coltrin.	Quinn.
Cox of Lamar.	Renfro.
Davis.	Sherrill.
Enderby.	Shipman.
Graves	Snelgrove.
of Williamson.	Stephens.
Harper.	Stevenson.
Heaton.	Storey.
Hines.	Thurmond.
Johnson of Smith.	Veatch.
Johnson of Scurry.	Webb.
Keeton.	

Nays—67.

Mr. Speaker.	Mosely.
Ackerman.	Mullally.
Albritton.	Murphy.
Baker.	Negley.
Carpenter.	Olsen.
Conway.	Palmer.
Cox of Navarro.	Petsch.
Cox of Limestone.	Pool.
DeWolfe.	Pope of Jones.
Dunlap.	Pope of Nueces.
Duvall.	Ray.
Ewing.	Richardson.
Eickenroht.	Rountree.
Finn.	Sanders.
Forbes.	Shaver.
Gates.	Simmons.
Gerron.	Sinks.
Giles.	Speck.
Hardy.	Strong.
Hornaday.	Tarwater.
Hubbard.	Thompson.
Justiss.	Tillotson.
Kayton.	Turner.
Keller.	Van Zandt.
Kincaid.	Wallace.
Long of Houston.	Walters.
Loy.	Warwick.
Mankin.	Westbrook.
Martin.	White.
Mauritz.	Williams
McCombs.	of Travis.
McGill.	Woodall.
McKean.	Woodruff.
Metcalfe.	Young.
Montgomery.	

Absent.

Acker.	Bateman.
Anderson.	Beck.
Baldwin.	Bond.
Barnett.	Bradley.

Finlay.	Lee.
Fuchs.	Long of Wichita.
Gilbert.	Maynard.
Graves of Erath.	McDonald.
Harding.	Mehl.
Harman.	Minor.
Harrison.	Morse.
Hefley.	Nicholson.
Hogg.	O'Neill.
Holder.	Reader.
Hopkins.	Shelton.
Kenyon.	Smith.
Johnson	Waddell.
of Dimmit.	Wiggs.
King.	Williams
Kinnear.	of Hardin.

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

Mr. Kayton moved to reconsider the vote by which the amendment was lost, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Petsch moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 6, and the call was duly ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. McCombs, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

(Pending consideration of the bill, Mr. Duvall occupied the chair temporarily.)

House bill No. 6 was then passed by the following vote:

Yeas—84.

Mr. Speaker.	Dunlap.
Ackerman.	Enderby.
Adkins.	Ewing.
Albritton.	Finn.
Baker.	Forbes.
Bounds.	Gates.
Brice.	Gerron.
Carpenter.	Giles.
Coltrin.	Harper.
Conway.	Heaton.
Cox of Navarro.	Hines.
Cox of Lamar.	Hornaday.
Cox of Limestone.	Hubbard.

Johnson of Smith.	Ray.
Johnson of Scurry.	Renfro.
Justiss.	Rountree.
Keeton.	Sanders.
Kennedy.	Shaver.
Kincaid.	Sherrill.
Land.	Shipman.
Lemens.	Simmons.
Long of Houston.	Sinks.
Loy.	Snelgrove.
Marks.	Speck.
Martin.	Stephens.
Mauritz.	Stevenson.
McCombs.	Storey.
McGill.	Strong.
McKean.	Tarwater.
Metcalfe.	Thompson.
Montgomery.	Thurmond.
Moore.	Tillotson.
Mosely.	Turner.
Mullally.	Van Zandt.
Murphy.	Veatch.
Negley.	Wallace.
Olsen.	Walters.
Palmer.	Warwick.
Petsch.	Williams
Pool.	of Travis.
Pope of Jones.	Woodall.
Pope of Nueces.	Woodruff.
Quinn.	

Nays—16.

Avis.	Hardy.
Brooks.	Kayton.
Chastain.	Keller.
Davis.	Mankin.
DeWolfe.	Pavlica.
Duvall.	Purl.
Graves	Webb.
of Williamson.	Young.
Graves of Erath.	

Absent.

Acker.	King.
Anderson.	Kinnear.
Baldwin.	Lee.
Barnett.	Long of Wichita.
Bateman.	Maynard.
Beck.	McDonald.
Bond.	Mehl.
Bradley.	Minor.
Eickenroht.	Morse.
Finlay.	Nicholson.
Fuchs.	O'Neill.
Gilbert.	Reader.
Harding.	Richardson.
Harman.	Shelton.
Harrison.	Smith.
Hefley.	Waddell.
Hogg.	Westbrook.
Holder.	White.
Hopkins.	Wiggs.
Johnson	Williams
of Dimmit.	of Hardin.
Kenyon.	

Absent—Excused.

Jenkins.	Reid.
Jones.	Rogers.
Kemble.	Savage.
Patterson.	Williams
Prendergast.	of Sabine.

Mr. Kayton moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

Question recurring on the motion to table, it was lost.

Reasons for Votes.

I don't think the reduction in registration fees on cars were reduced sufficiently to justify me to vote for four-cent gasoline tax. Therefore, I vote "nay" on House bill No. 6.

PAVLICA.

I vote "no" on House bill No. 6, which is the four-cent gasoline tax, because I do not believe that more than a three-cent tax is justified, in view of the small reduction in license fees provided for in the House bill passed by the House at this Special Session.

DeWOLFE.

Reason for Not Voting.

My reason for being absent when House bill No. 6 was passed, I was in the Capitol at the time and would have voted "no" on final passage of House bill No. 6, known as the four-cent gasoline tax.

HARDING.

MESSAGE FROM THE GOVERNOR.

Mr. Pat Dougherty, secretary to the Governor, appeared at the bar of the House and, being announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,
June 21, 1929.

To the Honorable Members of the Forty-first Legislature.

Ladies and Gentlemen: At the request of members of the Legislature, the following subjects are submitted for your consideration:

1. The amendment of Section 83, Article 199, Revised Civil Statutes of Texas.

2. The amendment of Senate bill No. 172, Chapter 17, page 46, Acts of the Regular Session of the Forty-first Legislature, to correct defects therein

and to make provision for the payment of the expense of the examinations required by the bill.

3. The enactment of laws affecting public lands and to protect the public interest in any excesses which may be developed by the resurvey of University lands, which resurvey is now being conducted, or is soon to be conducted by the University of Texas.

4. The enactment of a bill to better provide for the printing of acts of the Legislature following each regular session and special session.

5. The enactment of a bill to authorize the Board of Directors of the Agricultural and Mechanical College to contract for the construction of dormitories under terms similar to those fixed in bills passed with reference to the University of Texas and the College of Industrial Arts.

6. The amendment of Senate bill No. 60, Chapter 5, page 9, Acts of the Regular Session of the Forty-first Legislature, so as to make said article apply to Liberty county.

7. The Board of Regents of the University of Texas has requested that I submit for your consideration the subject of extending one of the leases on University lands in Hudspeth county. At the request of said Board this subject is submitted for your consideration.

Respectfully submitted,

DAN MOODY,
Governor.

RECESS.

Mr. Purl moved that the House recess to 9:30 o'clock a. m. tomorrow.

Mr. Hardy moved that the House adjourn until 10 o'clock a. m. next Monday.

The motion of Mr. Purl prevailed, and the House, accordingly, at 7:20 o'clock p. m., took recess to 9:30 o'clock a. m. tomorrow.

APPENDIX.

REASON FOR VOTE ON SENATE BILL NO. 49.

I voted against House substitute to Senate bill No. 49 for the simple reason that I believe Senate bill No. 49 is the best bill with the limited amount of study I was able to give it, and as a part of my reason for vote I submit herewith Senate bill No. 49, which passed the Senate unanimously and was passed out of the House committee with the recom-

mendation that it do pass, and subsequently the House voted that it be not printed.

I understood by this action there would be no opposition to this bill, but since the House has adopted a substitute, I anticipate that the Senate will refuse to accept the House substitute and a free conference committee will no doubt use this Senate bill and the House substitute as a basis for writing a new bill. Therefore, the members of the House should have the Senate bill easily available in order to know the contents. This method of printing this bill, on my part, I hope, will not be construed as any reflection on either the proponents of the House bill or the House as a whole, but I sincerely believe that Senate bill No. 49 should be a part of the permanent records of the Second Called Session of the Forty-first Legislature.

PURL.

S. B. No. 49. By Holbrook.
Be it enacted by the Legislature of the State of Texas:

Section 1. That to carry out the intention of this act, the Board of Prison Commissioners of the State of Texas, together with four members of the Senate, selected by the Lieutenant Governor, and five members of the House, selected by the Speaker of the House, shall hereinafter be known as the Prison Commission, and said Prison Commission shall formulate its own rules and regulations and shall select its own chairman and shall be authorized and directed to make a complete investigation of all matters pertaining to the concentration and relocation of the penitentiary system of this State and the rehabilitation thereof, in compliance with the terms of this act. That said Prison Commission shall meet within ten days after this act becomes effective, for the purpose of considering and developing plans to be submitted to the Governor and the Legislature, as hereinafter provided.

Section 2. That said Prison Commissioners be and they are hereby authorized and directed to submit to the Legislature of this State a plan or plans for the efficient operation, maintenance and management of the prison system of this State, together with recommendations for a site upon which the same shall be constructed. That in the investigation and preparation of such plan or plans said Prison Commissioners may call upon and receive all services deemed advisable by it, in setting up and perfecting

such plans and selecting of a suitable site; the expenses of which shall be paid out of the funds herein appropriated.

Section 3. That it is the intention of this act that the said Prison Commissioners ascertain first the type of prison system best suited to the requirements of this State and the equipment and facilities therefor, and shall then recommend to the Legislature the most feasible and advantageous location or locations for such system, and that the report of said Prison Commissioners shall further contain all other information, findings, and recommendations relative to the prison system, which said Prison Commissioners shall deem of value to the Legislature.

Section 4. That the report of said Prison Commissioners shall include plans and specifications for an adequate and efficient penitentiary system, which plans shall include specific provisions for the separation of prisoners, the black from the white and the male from the female, and for the separation and treatment looking to the reformation of all prisoners under the age of twenty-four years, and serving a first term in the penitentiary. That said plan shall further provide for proper employment of all prisoners, which employment shall include the production and manufacture of any and all supplies and materials consumed by State departments and institutions, if said Prison Commissioners shall find that any such supplies or materials may be manufactured or produced by said penitentiary system at an economic advantage of the State.

Section 5. That said report shall contain a detailed and itemized estimate of the costs of the complete system or systems recommended and an analysis of the estimated costs of operation, and the estimated returns, and said estimate shall be so prepared as to reflect and demonstrate the economic advantage, if any, of the system recommended, as compared with the prison system as now located, constituted and operated.

Section 6. That said Prison Commissioners shall carefully consider the feasibility and advisability of concentrating the prison system upon lands now owned by the State of Texas, and used in the operation of the present penitentiary system; but if after such consideration it is deemed that it will be for the best interest of the State to select a site elsewhere in the State, the Prison Commissioners will make its recommendations accordingly. That said Prison

Commissioners shall supply data as to each tract of land so owned by the State which in its judgment might be designated as a site for the system, including the cost of any and all reclamation, drainage, terracing and other operation necessary in order to render said tracts of land available for the establishment thereon of the prison system contemplated herein. That included in such data, there shall be information as to railroad and transportation facilities and rates, and of conditions affecting sanitation and health of those living thereon. If the Prison Commissioners recommend a site elsewhere, the same information is desired for the purpose of comparison.

Section 7. That said report shall include a detailed and itemized inventory of the lands, buildings, equipment and other property (not including current food and other supplies) now owned by the State prison system, which shall show the value of all property and an estimate of the probable price which said property will bring upon the market, and shall further contain an estimate as to the availability of any of such property for use by the prison system recommended in said report, and shall further make recommendation as to the method and advisability of the use or disposal of all such property. That the estimates, appraisals, and findings upon which said recommendations as to the use or disposal of such property may be based, shall be signed by the persons engaged by the commission to make such estimates and appraisals and attached to said report as exhibits.

Section 8. That said Prison Commissioners shall proceed to carry out its duties with all practicable speed and shall compile its complete report for submission to the Legislature as soon as may be compatible with a thorough and well considered course of action and that said report shall be completed, printed and available not later than three months after the date upon which this act shall become effective. That of this report as many copies shall be printed as the commission may deem advisable, provided that at least one complete copy shall be furnished to each member of the Legislature, and one to the Governor of this State, and that said report as furnished to the members of the Legislature and the Governor shall contain such statements, maps, plats, drawings and other data as may be deemed of value to the Legislature in

judging the proposals and recommendations of said commission.

Section 9. That the sum of twenty-five thousand (\$25,000) dollars or so much thereof as may be necessary be and it is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to cover the cost of conducting the investigation contemplated by this act, and the preparation and publication of the report of the Prison Commissioners. That said Prison Commissioners shall be entitled to all necessary expenses incurred in carrying out the provisions of this act and shall pay to all persons employed by said Prison Commissioners proper salaries, fees and expenses. That all salaries, fees and expenses under this act shall be paid upon sworn accounts, countersigned by the Governor of Texas and the Chairman of the Prison Commissioners, upon which sworn account, the Comptroller of Public Accounts shall draw his warrant, which shall be paid by the Treasurer of the State of Texas.

Section 10. Emergency clause.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills as follows:

Public Lands and Buildings: House bills Nos. 92 and 159.

Penitentiaries: Senate bill No. 49.

Education: Senate bill No. 138.

Appropriations: Senate bill No. 47.

The Committee on Revenue and Taxation filed an adverse report on House bill No. 26.

ELEVENTH DAY.

(Continued.)

(Saturday, June 22, 1929.)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Barron.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Mankin, Senate bill No. 154 was ordered not printed.

On motion of Mr. Brice, House bill No. 170 was ordered not printed.

On motion of Mr. Sherrill, Senate bill No. 129 was ordered not printed.

On motion of Mr. Pavlica, Senate bill No. 92 was ordered not printed.

SENATE BILL NO. 138 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 138, A bill to be entitled "An Act amendatory of an act passed at the First Called Session of the Forty-first Legislature, designated as Senate bill No. 62, and filed in the office of the Secretary of State on the 7th day of June, A. D. 1929, authorizing the Board of Regents of the College of Industrial Arts to make contracts for the erection of dormitories, etc., and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 82 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 82, A bill to be entitled "An Act authorizing the board of directors of the Texas Technological College to acquire, operate and manage five boys' and girls' dormitories at the school, and to furnish and equip the same, and dining hall building in connection therewith, and declaring an emergency."

The bill was read second time, and was passed to third reading.

HOUSE BILL NO. 71 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 71, A bill to be entitled "An Act authorizing the board of directors of the Texas College of Arts and Industries to make contracts for the erection of dormitories, to purchase or lease lands and other appurtenances for dormitories, to make contracts for the collection and disposition of the revenue derived from dormitories, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

COMMITTEE OF THE WHOLE HOUSE.

Mr. Woodruff moved that the House do now resolve itself into a Committee of the Whole House for the purpose of considering charges filed against the